S. Hrg. 98-546

NOMINATIONS

HEARINGS

BEFORE THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

THE NOMINATIONS OF JAMES BARNES, GENERAL COUNSEL, EPA; JOHN MARTIN, INSPECTOR GENERAL, EPA; JOSEPHINE COOPER, ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS, EPA; JACK E. RAVAN, ASSISTANT ADMINISTRATOR, WATER PROGRAMS, EPA; COURTNEY M. PRICE, ASSISTANT ADMINISTRATOR, ENFORCEMENT AND COMPLIANCE MONITORING, EPA; WILLIAM L. MILLS, MEMBER, COUNSEL ON ENVIRONMENTAL QUALITY; SAMUEL W. SPECK, ASSOCIATE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY; JOSPEH A. CANNON, ASSISTANT ADMINISTRATOR, AIR AND RADIATION, EPA; BERNARD D. GOLDSTEIN, ASSISTANT ADMINISTRATOR, RESEARCH AND DEVELOPMENT, EPA; JOHN A. MOORE, ASSISTANT ADMINISTRATOR, PESTICIIDES AND TOXIC SUBSTANCES, EPA; MILTON R. RUSSELL, ASSISTANT ADMINISTRATOR, POLICY, PLANNING, AND EVALUATION, EPA; AND BRIG. GEN. JEROME B. HILMES, MEMBER, MISSISSIPPI RIVER COMMISSION

OCTOBER 4, 20; NOVEMBER 10 AND 14, 1983

Printed for the use of the Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE
29-468 O WASHINGTON : 1984

S321-13

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROBERT T. STAFFORD, Vermont, *Chairman*

HOWARD H. BAKER, Jr., Tennessee
JOHN H. CHAFEE, Rhode Island
ALAN K. SIMPSON, Wyoming
JAMES ABDNOR, South Dakota
STEVE SYMMS, Idaho
PETE V. DOMENICI, New Mexico
DAVE DURENBERGER, Minnesota
GORDON J. HUMPHREY, New Hampshire

JENNINGS RANDOLPH, West Virginia
LLOYD BENTSEN, Texas
QUENTIN N. BURDICK, North Dakota
GARY HART, Colorado
DANIEL PATRICK MOYNIHAN, New York
GEORGE J. MITCHELL, Maine
MAX BAUCUS, Montana

Bailey Guard, *Staff Director*
John W. Yago, Jr., *Minority Staff Director*

CONTENTS

OCTOBER 4, 1983

OPENING STATEMENTS

Page

Randolph, Hon. Jennings, U.S. Senator from the State of West Virginia 2
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont 1

WITNESSES

Baker, Hon. Howard H., Jr., U.S. Senator from the State of Tennessee 3
Barnes, A. James, nominee to be General Counsel, Environmental Protection Agency 8
  Written statement 21
  Résumé 24
  Financial statement 26
  Memoranda addressed to the Deputy General Counsel, EPA 34
Cooper, Josephine S., nominee for Assistant Administrator, External Affairs, Environmental Protection Agency 5
  Résumé 13
  Financial statement 15
Martin, John C., nominee to be Inspector General, Environmental Protection Agency 10
  Written statement 36
  Biographical and financial information 42

OCTOBER 20, 1983 (p. 51)

OPENING STATEMENTS

Chafee, Hon. John H., U.S. Senator from the State of Rhode Island 58
Randolph, Hon. Jennings, U.S. Senator from the State of West Virginia 55
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont 51

WITNESSES

Danforth, Hon. John C., U.S. Senator from the State of Missouri 70
Mattingly, Hon. Mack, U.S. Senator from the State of Georgia 55
Nunn, Hon. Sam, U.S. Senator from the State of Georgia 53
Price, Courtney, nominated to be Assistant Administrator for Enforcement and Compliance Monitoring, Environmental Protection Agency 70
  Written statement 119
  Résumé 124
  Financial statement 126
  Recusal memorandum 132
  Responses to written questions 133
Ravan, Jack E., nominated to be Assistant Administrator for Water, Environmental Protection Agency 61
  Written statement 74
  Résumé 78
  Financial statement 82
  Responses to written questions 89
Thurmond, Hon. Strom, U.S. Senator from the State of South Carolina 52

NOVEMBER 10, 1983 (p. 147)

OPENING STATEMENTS

Page
Chafee, Hon. John H., U.S. Senator from the State of Rhode Island 148
Randolph, Hon. Jennings, U.S. Senator from the State of West Virginia 148
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont 147

WITNESSES

Cannon, Joseph A., nominated to be Assistant Administrator for Air and Radiation, Environmental Protection Agency 164
  Résumé 197
  Financial statement 200
  Responses to additional questions 206
Miller, Hon. Clarence E., a Representative in Congress from the State of Ohio 155
Mills, Dr. William L., nominated to be a member of the Council on Environmental Quality 149
  Letter to Senator Stafford 151
  Written statement 171
  Résumé 175
  Financial statement 180
Speck, Samuel W., nominated to be Associate Director for State and Local Programs and Support, Federal Emergency Management Agency 157
  Résumé 186
  Financial statement 188

ADDITIONAL MATERIAL

Natural Resources Defense Council, letter to Senator Stafford supporting Joseph Cannon 224
New York Times article from relative to wood-burning stoves 225

NOVEMBER 14, 1983 (p. 227)

Stafford, Hon. Robert T., U.S. Senator from the State of Vermont, opening statement of 227

WITNESSES

Bradley, Hon. Bill, U.S. Senator from the State of New Jersey 231
Goldstein, Bernard D., nominated to be Assistant Administrator for Research and Development, Environmental Protection Agency 233
  Written statement 264
  Résumé 273
  Financial statement 293
  Responses to additional questions 300
Hilmes, Brig. Gen. Jerome B., nominated to be a member of the Mississippi River Commission 332
  Written statement 232
Moore, John A., nominated to be Assistant Administrator, Pesticides and Toxic Substances, Environmental Protection Agency 229
  Résumé 242
  Financial statement 254
  Memo to the Deputy General Counsel, EPA 260
  Responses to additional questions 261
Russell, Milton R., nominated to be Assistant Administrator for Policy, Planning, and Evaluation, Environmental Protection Agency 236
  Written statement 305
  Résumé 311
  Financial statement 321
  Memo to the Deputy General Counsel, EPA 329
Tower, Hon. John, U.S. Senator from the State of Texas 228

NOMINATIONS

TUESDAY, OCTOBER 4, 1983

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 2:05 p.m. in room SD-406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Baker, and Chafee.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The Committee on Environment and Public Works will please come to order. We are going to be interrupted in 5 minutes, according to my information, by a rollcall vote, but I did want to get the meeting underway, and so with the forgiveness, I hope, of Senator Randolph, who has an opening statement, which I will submit for the record if he doesn't get here before the rollcall starts.

Good afternoon and welcome to all our guests and to the nominees who are here with us this afternoon. The committee meets this afternoon to consider nominations to positions at EPA which have not previously been subject to confirmation by the Senate.

The first nominee I had intended to hear would be Jo Cooper, who has been nominated for the position of Assistant Administrator for External Affairs, which is a newly created position. However, I think Senator Baker wishes to be here to present her to the committee, and I am going to start, therefore, with A. James Barnes, nominee for the position of General Counsel, which is now a confirmable position. The final nominee will be Mr. John C. Martin for the position of Inspector General.

I am particularly pleased to welcome Jo Cooper. Prior to her nomination, Jo was a valuable member of the staff of this committee. Our regret at losing her services is tempered by the realization that in her new position she will have responsibility for EPA's congressional relations and will therefore continue to assist and work with this committee.

Mr. Barnes comes to the EPA from the Department of Agriculture, where he has served as General Counsel since 1981. He also has prior experience at EPA, where he served as Assistant to the Administrator from 1970 to 1973 over the years, since the year Mr. Ruckelshaus, the Administrator, put the Agency into being.

Mr. Martin comes from the Department of Housing and Urban Development, where he was Assistant Inspector General for Investigations. He also spent 10 years as an FBI agent and has extensive experience investigating Government fraud and corruption cases.

At this point, the Chair will reserve space for Senator Randolph's statement whenever he can be here, and any other committee members who wish to place or read statements into the record.

[Senator Randolph's statement follows:]

OPENING STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. Chairman, I am pleased to be present this afternoon as the Committee on Environment and Public Works meets to hear from three persons who have been nominated to important positions at the Environmental Protection Agency.

James Barnes has been nominated to be General Counsel of the Agency. He brings to this post extensive experience in State government, Federal Government, and the private sector. He also has taught at Georgetown University and Indiana University, and is the author of a number of books on business law. I believe that he will do well in his new role, and I look forward to working with him.

John Martin has been named to fill the post of Inspector General. Prior to this nomination, he served as Assistant Inspector General for Investigations for the Department of Housing and Urban Development. He also spent a decade with the Federal Bureau of Investigation, and some years in city government. He has gained experience in these roles which will serve him well as EPA's Inspector General.

Josephine Cooper has been designated to fill the position of Assistant Administrator for External Affairs. While Jo has had extensive experience with the Environmental Protection Agency in the course of her career, I know her best from her years with Senator Baker and on the staff of this Committee. I have always been impressed with her competence, her knowledge, and her integrity. I know that she will do well as Assistant Administrator for External Affairs, where she will be responsible for a number of important programs. These include congressional liaison, intergovernmental relations, public affairs, and federal activities. Under this last category, Jo will head up the program responsible for receipt and oversight of environmental impact statements and the 404 wetlands protection program.

Mr. Chairman, I believe all three of these nominees are well qualified for the important positions for which they have been chosen. I intend to support their approval by this Committee, and their confirmation by the Senate. I look forward to hearing their views this afternoon on how they intend to carry out their new responsibilities.

Senator STAFFORD. In the remaining minutes that we may have, I think I will ask Mr. Barnes to come forward.

Mr. Barnes, we may be interrupted by—we are interrupted, I guess. Let's see if that's the rollcall or not. I am going to ask the committee and our guests and our nominees to stand at ease until Senator Randolph and I get back here. The rollcall has begun.

The committee is in recess until we can return.

[A brief recess was taken.]

Senator STAFFORD. The Committee on Environment and Public Works will please resume and come to order.

We are going back to our original plan, which is to have Josephine Cooper as the first nominee in front of the committee this afternoon, and we are particularly pleased that the voting situation has allowed the majority leader to come over for the purpose of not introducing, but presenting Jo Cooper to us, and I'm always proud to say that the majority leader continues to be a member of this committee. In fact, were he here, he would be superior to the Senator from Vermont. That is why I am working hard to keep him the majority leader.

Howard, we are delighted that you are here, and we would appreciate anything you would like to say.

STATEMENT OF HON. HOWARD H. BAKER, JR., U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator BAKER. Mr. Chairman, thank you very much. It is always a pleasure to return to this committee, which is indeed one of my committees. I think it is finally my committee in the sense that it's the first committee meeting that I attended when I first came to the Congress in 1967. I remember those early years in my career. I'm fond of saying now that in 1983 that when I first arrived I was a wealthy, young, lawyer. I've now recovered from all three conditions.

Senator STAFFORD. I hope you can restore one at least.

Senator BAKER. Mr. Chairman, it is my pleasure today to present to this committee Jo Cooper with whom I have worked closely over the past 2½ years on a host of environmental issues, on matters ranging from TVA and its relationship to this committee, to the Congress, and the Clean Air Act and its several manifestations.

Her's is a familiar face to most of us, but most important, perhaps, is not that she is a graduate of our ranks but rather, she is an alumnus of the EPA itself, where she worked for 12 years as a career professional in the Office of Air Quality Planning and Standards on the research and development program.

That's where she gained her in-depth knowledge of the Clean Air Act and the Resource Conservation and Recovery Act from the implementation point of view. Waiting to see first hand how the laws were made that she had been trying to interpret and implement, Jo first came to Washington on a congressional fellowship and landed a position on the staff of the Environment and Public Works Committee.

It was then my pleasure to ask her to join my staff, designated as the person on the committee to help me decipher some of the complexities of the environmental laws and to translate them into something that made sense from both the regulatory and regulated viewpoints. In that capacity, she served other members on issues with which she is familiar.

Mr. Chairman, although we miss her in the Senate, we commend Bill Ruckelshaus on his good judgment in taking her to EPA. Because of her perspective on the congressional process, set in the backdrop of her former work at the agency, Jo provides a unique perspective to the environmental policymaking process. The job for which Jo has been designated at EPA could not be more crucial. It involves nothing less than giving EPA back a credible voice with which it once spoke. The American people must have complete confidence in their Government's commitment to the protection of the environment and public health. That commitment will be expressed in large part through the Office of External Affairs, as headed by Jo Cooper.

As the Agency's first Assistant Administrator for External Affairs, Jo will be responsible for the quality and accessibility of all pertinent information required by Congress, the press, State and local officials, environmentalists, the regulated community, other Federal departments and the concerned public.

No one here need be reminded of recent events at EPA which strained so many of these vital networks of relations. We can do no better than to have one of our own from Capitol Hill, and this committee staff in particular, serving in this very important position.

I believe that President Reagan and Bill Ruckelshaus have made a wise decision by selecting Jo Cooper.

I can personally vouch for her through her grasp of issues involved, for her managerial and leadership ability, for her sensitivity and service to the Hill and its various constituencies, and for her dedication to the environmental goals which this Nation has set for itself.

I am very happy, then, to introduce her here today, Mr. Chairman, and I am confident that her actions in the future at EPA will earn her the same high regard with which her work was done in the past, whether it was performed in my service or that of the committee or EPA itself.

Mr. Chairman, I remember so vividly the telephone call I received from Bill Ruckelshaus before he was formally designated, I believe, but certainly before he was confirmed as Director of EPA in which he advised me that he intended to ask Jo to join him in that job, and I can clearly recall and do now recount the expression of reluctance that I gave at that time to Bill, but that I understood, and indeed thought that it was a wise move for him and a great honor for me. Under the circumstances, I think his choice was fully justified, I have reconciled the loss, and I congratulate him on his good fortune, so it is my pleasure, Mr. Chairman and members of the committee, to present a nominee who is familiar already to this committee and who deserves its favorable consideration in the committee.

Senator **STAFFORD**. Thank you very much, Senator Baker. We appreciate the statement and your presence and your support for Ms. Cooper, and we will say we understand you may have other duties that will require your presence elsewhere, and the committee would understand that.

Senator **BAKER**. The last word I have from the cloakroom, Senator Byrd was on his hands and knees with a screw driver trying to remove my desk.

Senator **STAFFORD**. Senator Chafee, do you have any comment?

Senator **CHAFEE**. Thank you, Mr. Chairman. I have a markup in the Intelligence Committee which I must attend. Obviously, I join Senator Baker in his strong support for Josephine Cooper, who we have all worked with and know so well over so many years. I had the pleasure of meeting Mr. Barnes and Mr. Martin, and I think they are extremely well qualified, too.

Unless something dramatic comes out of these hearings to the contrary of their nomination, which I don't expect, I would support them. Obviously, that is what we have the hearings for, but in my conversations with them and the talk I have had with our people who looked into the background, I think they're both extremely well qualified, Mr. Chairman.

Senator **STAFFORD**. Thank you very much, Senator Chafee.

We appreciate that. We will continue to hold the record open for Senator Randolph when he can get here to make whatever opening statement he wishes.

Senator **CHAFEE**. Mr. Chairman, could I say one other thing before I have to leave.

Senator **Stafford**. Sure.

Senator **Chafee**. I don't know what the chairman's schedule is, but if there is any way possible that we could get these nominations to the floor and approved before we left, I know the chairman's sense of that, too, but I certainly would do anything I could to cooperate in that matter and would speak to the other members if the chairman felt it would be helpful.

Senator **Stafford**. I thank Senator Chafee. We are planning a full committee markup Thursday morning, and that will give us an opportunity to act on the nominees at that time, which would get them out before we leave.

Jo, before you testify to the committee, I think it would be nice if your mother, Marie Smith, your brother, Bill Smith, your sister-in-law, Susie Smith, and what I gather would be three junior members of the family, Chesley, Jeffrey, and Molly Smith might stand so that the committee can make them feel welcome here.

Thank you very much.

Now we would be very happy to hear your testimony.

STATEMENT OF JOSEPHINE S. COOPER, NOMINEE FOR ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS, ENVIRONMENTAL PROTECTION AGENCY

Ms. **Cooper**. Thank you, Senator Stafford.

Although the surroundings of this hearing room are very familar to me, today's circumstances represent a markedly different experience—with me sitting on this side of the table anxiously awaiting your questions and hoping I have the answers. Ironically, I probably have more reason to be nervous than my colleagues, because I know how difficult the inquiries of the members can be, due to the very serious nature of the mandate before this committee. You are attempting to insure that the people who run EPA are qualified, competent, and committed to the Agency's mission. I am determined, in that regard, to reward whatever faith you place in me.

I am honored, therefore, to appear before you today in connection with my nomination by the President to serve as EPA's first Assistant Administrator for External Affairs, because I fully share your interest in seeing that EPA aptly implements the laws that Congress has charged it with overseeing.

As one who worked closely with the Agency and the issues which concern it—first as a civil servant for 12½ years and later as a member of the Environment Committee staff—I am also honored by the expression of confidence placed in me by the President and Administrator William Ruckelshaus.

In executing its mission to protect the American people from threats posed by various pollutants to human health and the environment, EPA is often the final arbiter among a wide spectrum of interests and opinions. The Agency's decisions are rarely noncontroversial. Its actions are seldom uncomplicated. Its policies are never without far-reaching implications. My experience with the Agency and with this committee make me acutely aware of the sensitivity and volatility of environmental issues.

Public scrutiny is a necessary component of any democratic institution, and this fact is especially pertinent at EPA because the

Agency is responsible for much of what the American people hold dear to them: Knowing that the air they breath, the land on which they live, and the water they drink are protected. There can be no substitute for complete dissemination of essential material by EPA on a timely basis. Anything short of that breeds distrust by both Congress and the public, which in turns hampers the Agency's ability to be effective.

Administrator Ruckelshaus has said since he has been back at the Agency, "EPA is determined to operate in a fish bowl and will attempt to communicate with everyone from environmentalists to those we regulate as openly as possible." I applaud his statement, and I am prepared to do all that is necessary to realize its aim.

The establishment of the Office of External Affairs is recognition of EPA's intent to fulfill this pledge. There are four essential outreach offices which will be coordinated under one roof at the assistant administrator level. Those offices are:

Public Affairs which provides press services, publications and a new program for community relations;

Federal activities which is responsible for coordinating the efforts of the Federal agencies to meet our environmental objectives;

Intergovernmental Liaison which develops a workig relationship with State and local officals to assure that these key constituency groups are kept apprised of appropriate Agency activities, and finally;

Congressional Affairs, which, as you know, must be sensitive and responsive to Members and their staffs while representing the administration's position on environmental policy.

These four offices share responsibility for tracking information within EPA that is often highly technical in nature, translating that information into a meaningful form, and disseminating it to the various audiences. Together, the External Affairs Offices constitute a goodly part of what accurately may be described as the voice of the EPA.

It is my firm conviction that such a voice must speak with candor and honesty, clarity, and simplicity. There must be full cooperation between EPA and outside groups achieved within the framework of applicable rules and procedures. the Agency must strive to provide information efficiently and evenhandedly to all involved parties.

When Bill Ruckelshaus returned to EPA, he readily observed that EPA had experienced some real problems in effectively communicating Agency policies and regulations. He immediately moved to restore the credibility of the Agency through measures like providing the fullest possible public participation and involvement in EPA's decisionmaking process.

Under my leadership, I am hopeful that the Office of External Affairs will extend this effort to make EPA more accessible and forthright in its public dealings.

Understanding this from you committee's perspective as a former staffer, I see the next year as being especially critical in light of the issues pending, such as clean water, acid rain, Clean Air Act, hazardous wastes, and toxic substances.

I would like to say that during the time I have observed the four Offices which comprise External Affairs in my capacity as a Special Assistant to the Administrator, I have been extremely impressed by the skilled and competent professionals who staff them. Many of these people have had to endure numerous reorganizations and changes in job roles which, quite frankly, often seemed counterproductive. As a former civil servant myself, I know how disruptive such changes can be. I also understand that internal communication can be as important as external communications. Improving morale at EPA is a critical investment in environmental protection. We will do our best to render useful information services within the Agency, as well as to outside groups.

Mr. Chairman, my statement today underlies a basic conviction: to operate effectively and restore public confidence in its efforts, EPA must be competely open and evenhanded in the dissemination of accurate and timely information to all interested parties. The Office of External Affairs must provide competent and well-managed delivery system which can assure that end. Even the most technical information and complex issues must be made intelligible for the general public.

I believe that my previous association with the Agency and my experience on Capitol Hill with this committee have helped prepare me for this task. I only hope that all of my visits to the Hill are as gracious yet frank as this one, regardless of the issue.

As a former staff member, I also understand the importance of brevity. Although I have much more to say, I will close my remarks and be glad to answer your questions.

Senator STAFFORD. Thank you very much, Jo, for a very good statement. I'm sure that we will have candor and frank and friendly relations with EPA as long as you and Bill Ruckelshaus are there, even if we may disagree from time to time.

As you know, there are a few boilerplate questions that I ask nominess, and one is, would you be willing to appear before any Seante or House committee of the U.S. Congress which asks you to testify?

Ms. COOPER. Yes, indeed.

Senator STAFFORD. Do you have any financial interests that you are aware of which might be placing you in a conflict-of-interest position while working at EPA?

Ms. COOPER. No, sir.

Senator STAFFORD. That answer was short enough to even please a northern New Englander.

As a member of the staff of this committee, you have been in a position to observe the work of EPA's Congressional Affairs Office. What, if anything, do you think should be done to improve communications between EPA and the Congress?

Ms. COOPER. During my tenure since the end of June at EPA, I think we have instituted several things that we hope will make the communication and dialog between the committee and the Agency better. We have a number of new staff people. We put in place a staff who are knowledgeable on the various issues and who are responsible for coping with both the House and the Senate side. I think with good staff and a willingness to be open and direct with the Agency and with the committee we will work with you very closely.

Senator **Stafford**. Jo, in your position, you will be responsible for supervising four offices which previously reported directly to the Administrator of EPA. In your statement, you have spoken of the counterproductive effect of some reorganization in the past. Do you have any plans to make other organizational changes in the office for which you are responsible beyond those you have just mentioned?

Ms. **Cooper**. Very limited; there would be very limited changes I would foresee at the present time. The major change is having us all serve under one roof, and making that happen is going to be a challenge.

Senator **Stafford**. Thank you.

As Senator Baker did, I too have to say that EPA's gain is our committee's loss, but we wish you well. I am going to reserve the right of other members of the committee to submit questions to you in writing if they wish to. I would recommend your speediest response so that we can act on your nomination this week.

In the meantime, if you would be willing to stay a little while, Senator Randolph may get over here, and he might wish the opportunity to ask a question or two.

Ms. **Cooper**. OK. Thank you, Senator.

Senator **Stafford**. Thank you very much, Jo.

Now we will return, Mr. Barnes, to you, nominated to be General Counsel at the Environmental Protection Agency.

Once again, I am going to ask, when we have completed, if you could stand by just long enough to see whether or not Senator Randolph might have a question or two he wishes to ask you, and before we get further, we are advised that your wife, Sarah Jane, is here in the room. We would be delighted if she would stand long enough for us to recognize her.

Mr. Barnes, we would be very happy to hear from you.

STATEMENT OF A. JAMES BARNES, NOMINEE TO BE GENERAL COUNSEL, ENVIRONMENTAL PROTECTION AGENCY

Mr. **Barnes**. Thank you very much, Mr. Chairman. I am honored to have the opportunity to come before the committee today as the nominee of the President and the selection of Bill Ruchelshaus to be the General Counsel of EPA.

With your concurrence, Mr. Chairman, I would like to simply submit my statement for the record. In what I have outlined the experience that I have that I believe prepares me for the position, describes my views of what a general counsel should do, and then lists some of my priorities as General Counsel.

Senator **Stafford**. Without objection we will place your full statement in the record. You may proceed.

Mr. **Barnes**. Beyond that, I would simply say that EPA is an agency that has been entrusted by the Congress with very important responsibilities—the protection of public health and enhancement of the environment. I think it's a very important Agency. Having been able to participate in the formation of it, I am honored to have a chance to come back and continue in its important mission. I believe the things that I have done since leaving the

Agency will put me in a position to successfully carry out the responsibilities of General Counsel.

Senator STAFFORD. Mr. Barnes, are you prepared to honor a request of any committee of the House or Senate of the Congress to appear in front of it as a witness?

Mr. BARNES. Yes, Mr. Chairman, I am.

Senator STAFFORD. And you make that statement without any reservation?

Mr. BARNES. Absolutely.

Senator STAFFORD. Are you aware of any financial interests you have or any perspective employment you might have that might put you in a conflict of interest position?

Mr. BARNES. I'm not aware of any such interest, Mr. Chairman.

Senator STAFFORD. Thank you.

At this point, I wish to note that Mr. Barnes has provided the committee copies of two memoranda which he has given to the Deputy General Counsel of EPA, Gerald Yamada. The first of these is a reclusal for participation in certain pesticide proceedings in which Mr. Barnes was involved at the Department of Agriculture. The second concerns the avoidance of the appearance of conflicts of interest and lists a number of entities for which Mr. Barnes did work when he was a partner with the law firm of Beveridge & Diamond. The memorandum states that whenever a matter concerning one of these entities is proposed for Mr. Barnes' personal attention, Mr. Yamada and Mr. Barnes will jointly ascertain whether reclusal would be appropriate. These two memoranda will be entered in the hearing record. (See p. 34.)

I am glad to see, Mr. Barnes, that you are so sensitive to the need to avoid even the appearance of a conflict of interest.

Mr. Barnes, you are currently managing a number of rental properties, and you are responsible for the periodic revision of several textbooks. Can you assure the committee that these outside activities will not interfere with your duties as General Counsel?

Mr. BARNES. Yes, Mr. Chairman, I can. The work concerning the properties has always been done at night, and on weekends, and I don't anticipate that during the next 15 months that I would be doing any work on the textbook.

Senator STAFFORD. In your statement, you list among your priorities working closely with Congress in maintaining an open door to effective outside groups which you elaborate on. How do you intend to acccomplish this?

Mr. BARNES. Yes, Mr. Chairman. In terms of relationships with Congress, I would like to try to do what I have done in my position at the Department of Agriculture: Get to know your staff members so that as issues come up for Congress consideration or that we have under review in the Department—in terms of interpretation of statutes—that we have the personal acquaintanceship with people that would be conducive to a dialog on the issues. I want to be just as conversant as we can be with the different perspectives and legislative history that may exist on a particular issue so that I can get the Administrator the very best legal advice.

In terms of working with outside groups, I very much share the Administrator's view that EPA should operate in a fish bowl, that it should be an agency where the public and people that are affected by it should have the ability to come in and put their case on the table for public inspection and for the Agency to work with. I think the Agency's work is best done in that kind of open environment where we try to get the best advice, information, and perspectives we can from those that might be affected before the Agency does its job of acting in the public interest.

Senator **Stafford**. Thank you very much, Mr. Barnes.

First, I am going to again reserve the right of the members to submit questions to you in writing, if they wish to do so, and if you could remain for a few minutes, we will see if Senator Randolph has a chance to get over here.

Mr. **Barnes**. I would be happy to do so, Mr. Chairman.

Senator **Stafford**. Thank you.

That brings us to Mr. John C. Martin, nominated by the President to be Inspector General, Environmental Protection Agency.

STATEMENT OF JOHN C. MARTIN, NOMINEE TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY

Senator **Stafford**. Mr. Martin, we would like to welcome your family here. We see present, according to our information, is Mary Jane, your wife; Erica, your daughter; Sean, your son; John, Jr., another son; Jeff, another son; Jessica, age 10; and Susan, age 10. Are those right?

Mr. **Martin**. They're all here.

Senator **Stafford**. Would they all be willing to stand up?

Thank you very much. The Chair will note that we have had identical twins in our family, so we know what it's like to raise twins.

Mr. Martin, we would be glad to hear your statement.

Mr. **Martin**. Thank you, Senator. If you wish, I can summarize my background and move on into the detailed part of my statement, if that's all right.

Senator **Stafford**. We would be glad to place your statement in the record, and then you can supplement it in any way you wish.

Mr. **Martin**. Fine. As you are aware and as you pointed out earlier, I have been a career Federal employee since 1971, and I'm now a member of the Senior Executive Service. I was an FBI agent for 10 years. In the last 2 years, I have been the Assistant Inspector General at the Department of Housing and Urban Development. These last several years have given me a deep appreciation for the tremendous responsibility that the President and the Congress have placed on the Inspectors General of the Federal Government.

Each Inspector General must perform as an independent and objective overseer of his agency's programs and operations, yet he must, at the same time, function as part of the agency's management team in order to translate his findings into solid accomplishments.

Likewise, each Inspector General has a dual reporting responsibility to the administration and to the Congress. It is vital that this relationship be maintained, for it helps to insure the essential balance between independence and cooperation, which I believe is the heart of an I.G.'s success. There is no more important trade which any entity brings to an Inspector General's position than a strong sense of personal integrity. I pledge to you that I will always seek to carry out my duties with this trait foremost in my mind.

I also feel honored to have the opportunity to work with men of such caliber as Bill Ruckelshaus and Al Alm. They have both committed themselves to supporting an effective Inspector General operation and utilizing the insight of the Inspector General's office to help improve EPA's operation in every way possible.

They have already worked hard to establish the Inspector General as a full partner on the management team. I can only predict that from this strong base of support we will be able to carry out a very active audit, investigation and prevention program to EPA's benefit.

Now let me comment on my major goals, should I be confirmed as the Inspector General of EPA. Every I.G. must base his actions on accurate, thorough and professional audit and investigative reports. They are the basic building blocks which can be used to document agency problems and achievements and then pursue improvements.

My first goal concerns the Inspector General's Office of Investigations. Every since it was created, this office has operated under stringent personnel limitations. It has simply had insufficient resources to mount an effective investigation program of any magnitude. I intend to allocate additional staffing to this function in order to promote the fullest possible compliance with the Federal laws and regulations which are under our jurisdiction.

I will also insure that those investigations which we do conduct are done in a timely and professional manner.

My second goal is the development of a through and penetrating internal audit program. The Inspector General's Office of Audit has also faced staffing shortages and has been unable to regularly conduct the internal and comprehensive management audits necessary to detect fraud, waste, and mismanagement in EPA's programs.

Finally, it is vital that EPA move toward an effective program to prevent fraud, waste, and mismanagement rather than trying to pick up the pieces of a major problem after it has developed. In this regard, I plan to create a new function within the I.G.'s office that will be devoted to this objective. We will work with EPA management to put in place mechanisms for developing employee awareness about fraud, waste, and abuse, identifying potential problems in new or existing programs and making needed corrections. This project already has the personal backing of Bill Ruckleshaus and Al Alm, and I am certain it will succeed.

In short, if confirmed, I look forward to very challenging and rewarding responsibilities at EPA, and I fully believe that my professional experience and education will enable me to meet those responsibilities. I pledge to always work with this committee and the Congress to carry out this unique role of an Inspector General to the best of my ability. I would be happy to answer your questions, Mr. Chairman.

Senator STAFFORD. Thank you, Mr. Martin.

Will you give this committee assurance that you will appear before any House or Senate committee of the U.S. Congress if asked to come as a witness?

Mr. **Martin**. Yes, sir, I certainly will.

Senator **Stafford**. Are you aware of any financial interests you have or employment you may have or might be offered in the future that would place you in a conflict of interest as far as your duties at EPA are concerned?

Mr. **Martin**. No, sir, I have no conflicts that I'm aware of.

Senator **Stafford**. You may have touched on these subjects in your remarks, but in your statement, you indicated the Inspector General's Office at EPA has insufficient resources. Do you think that it has been sufficiently independent in its relationship with the rest of the agency?

Mr. **Martin**. I believe independence clearly was a problem in the past. The Acting Inspector General, who was my former boss at HUD, Mr. Charles Dempsey, served as the Acting Inspector General at EPA immediately prior to my arrival at EPA as an assistant to Mr. Rucklelshaus.

Frankly, he found a number of things that existed that I think seriously impinged on the independence of the Inspector General, concerning budget matters, personnel hiring, legal advice and some other issues which he outlined in the last semiannual report of the Inspector General. Bill Ruckelshaus has gone out of his way to insure that all those problems have been taken care of, that the Inspector General will be independent, both in fact as well as appearance, and I seriously doubt that with people like him there that there will be any problem like that in the furture.

Senator **Stafford**. Thank you very much.

I am going to reserve the right of committee members to submit questions to you in writing for your answers as soon as possible if you get any, with Thursday as your deadline, if we can, to consider your nomination in full committee.

I am now advised that Senator Randolph is or is about to make a speech on the floor of the Senate on an education amendment and therefore is not able to be here now. Furthermore, he has an immediate meeting thereafter with the minority leader, Robert Byrd, and so he has asked me to apologize to the nominees for his inability to be here personally. I can assure you some of his ablest and most senior staff members have been here, and I haved placed his statement in the record following my own opening statement.

Having said all of that, I think we are prepared to declare this meeting of the Committee on Environment and Public Works in recess.

The next meeting will be Thursday at 10 o'clock.

[Whereupon, at 3:15 p.m., the committee meeting was recessed, to reconvene at 10 o'clock, Thursday, October 13, 1983.]

[Material submitted for the record follows:]

RESUME

Josephine S. Cooper
3723 Gunston Road
Alexandria, Va. 22302

Office Phone: 202-224-7015
Home Phone: 703-998-4172

Experience

February 1981 to present

Professional Staff to Senator Howard Baker
Committee on Environment and Public Works
U. S. Senate

Major Responsibilities: Development of amendments and new initiatives in hazardous waste legislation, including Superfund and Resource Conservation and Recovery Act.
Oversight of Tennessee Valley Authority.
Authorization of environmental research and development program.
Providing counsel to Senator Baker on all Committee issues including Clean Air Act, Clean Water Act, fish and wildlife activities.

October 1980-February 1981

and

July 1979-November 1979

Special Assistant to the Assistant Administrator for Research and Development
U. S. Environmental Protection Agency
Washington, D.C.

Major Responsibilities: Coordination of program planning and budget for research related to hazardous waste, drinking water and ground water.
Development of Agency policy on population exposure to environmental contaminants.
Formation and direction of Agency Work Group on Exposure Assessment.

November 1979-October 1980

American Political Science Association Congressional Fellow
Legislative Assistant to Senator Howard Baker and to Congressman Dick Cheney
U. S. Congress

Major Responsibilities: Preparation of authorization bill for environmental research and development program.
Assessment of natural resource damage and liability provisions of U. S. Senate Superfund bill.
Analysis of Senate amendments to Resource Conservation and Recovery Act.
Analysis of coal development and alternative coal transportation scenarios for Wyoming.

June 1978-July 1979

Environmental Protection Specialist
Environmental Criteria and Assessment Office
EPA Office of Research and Development
Research Triangle Park, N.C.

Major Responsibilities: Development of procedures for coordination of Agency review of all

health assessment documents.
Preparation of health assessment documents on antimony and zinc as basis for proposed water quality criteria
Coordination of health assessment activities with air pollution regulatory decision-making process.

November 1971- June 1978	Program Analyst Office of Air Quality Planning and Standards Environmental Protection Agency Research Triangle Park, N.C.
	Major Responsibilities: Development of ambient air quality standard for lead; preparation of environmental and energy analyses of standard. Preparation of air pollutant assessments for regulatory decisions on vinyl chloride, arsenic, and cadmium. Assessment of environmental and energy impacts of State air pollution control implementation plan requirements. Development of Agency model for environmental impact analysis of regulatory actions. Evaluation of transportation control strategies for reduction of motor vehicle emissions.
March 1968- November 1971	Special Assistant to the Director Air Pollution Training Program Environmental Protection Agency (and predecessor Agencies) Research Triangle Park, N.C.
	Major Responsibilities: Development of air pollution training course curricula. Design and implementation of manpower and training needs survey for air pollution control management agencies.

Education

Master of Science in Management, 1977
Duke University
Durham, N.C. (completed in evenings)

Bachelor of Arts in Business and Economics (Cum Laude), 1967
Meredith College
Raleigh, N.C.

Awards and Honors

American Political Science Association Congressional Fellowship 1979-80

Special Achievement Monetary Award for Superior Performance, U.S. Environmental Protection Agency 1979, 1980

Bronze Medal for Commendable Service, U.S. Environmental Protection Agency 1978

Recognition of Outstanding Performance, U.S. Environmental Protection Agency 1969, 1970, 1972, 1975, 1978, 1979

United States of America
**Office of
Government Ethics**

Office of Personnel Management
Washington, D.C. 20415

SEP 26 1983

Honorable Robert T. Stafford
Chairman, Committee on Environment and
Public Works
United State Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Josephine S. Cooper, who has been nominated by President Reagan for the position of Assistant Administrator for External Affairs at the Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Ms. Cooper is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosure

FINANCIAL DISCLOSURE REPORT

JE

Reporting Status (Check Appropriate Box) ☐ Incumbent ☒ New Entrant, Nominee or Candidate ☐ Termination Report	**NOTE** All schedules must be filed. Enter "None" in areas or across schedules where appropriate.	Agency Use Only Date of Filing (Month, Day, Year)	OGE Use Only AUG 1 1983

Reporting Individual's Name	Last Name Cooper	First Name and Middle Initial Josephine S.		
Position for Which Filing	Title of Position Ass't. Adm. for External Affairs	Department or Agency (If Applicable) EPA	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.) July 1983	Termination Date (If Applicable) (Month, Day, Year)
Location of Present Office	Address (Number, Street, City, State and Zip Code) 401 M Street, S.W., Washington, D.C. 20460		Room Number 1210 West Tower	Telephone No. (Include Area Code) 202-382-7960
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination Committee on Environment and Public Works		Do You Intend to Create a Qualified Diversified Trust ☐ Yes	☒ No per Don Nantkes EPA 8/11/83 JE
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held Professional Staff Member, Committee on Environment and Public Works U. S. Senate, Washington, D.C. 20510		February 1981 to present	
Certification	Signature of Reporting Individual Josephine S. Cooper			Date (Month, Day, Year) 7/6/83
Agency Ethics Official's Opinion	Signature of Designated Agency Ethics Official/Reviewing Official			Date (Month, Day, Year) 8/ 83
Office of Government Ethics Use Only 8-11-83 JE 8/11/83	Signature David H. Martin			Date (Month, Day, Year) 9-21-83
Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)				

(Check box if comments are continued on the reverse side) ☐

7-80 Edition of SF 278 is Usable

278-107

NSN 7540-01-070-5444

on 7/27/83

[illegible]

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in, a trust?		x
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? ☐ Yes ☐ No or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		x

If "Yes," do you certify to all of the following?
1. They represent solely your spouse' or dependent child's financial interest or responsibility,
2. They are not, in any way, past or present, derived from your income, assets, or activities;
3. You neither derive, nor expect to derive, any financial or economic benefit from them, and
4. You do not have knowledge as to the composition of such interest or liabilities.

Yes ☐ No ☐

Page Number	2
Schedule	A
Reporting Individual's Name	Josephine S. Cooper
Agency Use Only	
Date of Filing (Month, Day, Year)	

		Income																	Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)								Actual Amount	Date (Mo., Day, Yr.)	Valuation of Assets (✓)						
Spouse (S) or Dependent Child (DC)	Identification	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Only if "Other" Specified	Only if Honoraria	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	NATOMAS common	x								x									E	x					
	Phibro common	x								x									E		x				
	Union Oil California common	x						(sold)		x									E	x					
	Western Union common	x			x			(sold)			x								E		x				
	F. W. Woolworth common	x			x			(sold)		x	x								E	x					
	Engelhard	x						(sold)	x										E	x					
	Citicorp	x							x										E	x					
	Lake Barcroft WID Virginia Bond			x						x									E	x					
	Norfolk VA Port and Indus. Bond			x						x									E	x					
	Safeguard Business Systems	x							x										E		x				
	per Don Nantkes, EPA OGC 8-11-83 Carlyle Limited Partnership (real estate)			x					x										E	x					
	Virginia HDA Home Mortgage			x						x									E	x					
	IRA Account, Senate Employee Credit Union																		E	x					
	Liquid Assets Account, Dean Witter			x					x										E	x					

Page Number ▶ 3	Schedule B
Reporting Individual's Name Josephine S. Cooper	
Agency Use Only	
Date of Filing (Month, Day, Year)	

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Not Applicable											

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number	4	Schedule C
Reporting Individual's Name Josephine S. Cooper		
Agency Use Only		
Date of Filing (Month, Day, Year)		

I. Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

Sp, DC	Source (*Name and Address*)	Brief Description	Value
	Not Applicable		

II. Other Gifts—*List each source totaling $100 or more in value*

Sp, DC	Source (*Name and Address*)	Brief Description	Value
	Not Applicable		

III. Reimbursements—*List each source totaling $250 or more in value*

Sp, DC	Source (*Name and Address*)	Brief Description	Value
	Not Applicable		

LIABILITIES

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name: Josephine S. Cooper

Agency Use Only — Date of Filing (Month, Day, Year):

Page Number 5

Schedule D

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Dean Whitter Reynolds	Margin Acct 5/31/83 11 3/4%	x				

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
None				

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
None	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

STATEMENT
OF
A. JAMES BARNES
FOR CONFIRMATION
AS ASSISTANT ADMINISTRATOR (GENERAL COUNSEL)
OF THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
U.S. SENATE COMMITTEE
ON ENVIRONMENT AND PUBLIC WORKS
OCTOBER 4, 1983

Mr. Chairman and Members of the Committee. Thirteen years ago, as an aide to Bill Ruckelshaus, I had the opportunity to participate in the initial organization and administration of the Environmental Protection Agency. Today, I am honored to come before this Committee as the nominee of President Reagan for Assistant Administrator (General Counsel) of EPA.

I would like to briefly outline my experience that I believe prepares me for this position, describe my views of the role of the General Counsel, and then indicate my priorities should I be confirmed.

My experience includes positions in three federal agencies and two major universities, and the private practice of law. Following graduation from Michigan State University in 1964 and Harvard Law School in 1967, I was an Assistant Professor in the Graduate School of Business at Indiana University, teaching courses in commercial and real estate law and becoming a co-author of a leading business law textbook. In 1969 I became a trial attorney and special assistant in the Civil Division of the Department of Justice where I handled the defense of a variety of cases that had been brought, challenging government programs and actions.

When Bill Ruckelshaus was nominated as the first Administrator of EPA late in 1970, I moved to EPA, serving first as a Special Assistant and subsequently as Assistant to the Administrator and Chief of Staff. In the summer of 1973 I became Assistant to the Deputy Attorney General, with responsibility for various budget, planning and administrative activities in the Department of Justice. In 1974, I managed the successful re-election campaign of Governor William Milliken in my home state of Michigan.

From 1975 to early 1981, I was engaged in the private practice of law in Washington, where my practice centered primarily on environmental and commercial law and litigation. During that time I also taught courses in the social responsibility of business and business law as an adjunct professor at the Georgetown University School of Business Administration.

In early 1981, I was nominated by the President, and confirmed by the Senate, in my current position of General Counsel for the U.S. Department of Agriculture. This position entails management of an office of some 240 lawyers and deals with a broad range of programs, regulatory authorities and legal issues.

The General Counsel of EPA is the chief legal advisor to the Administrator and the Agency as well as the manager of a sizable law office. The General Counsel plays an important role in the administration of the Agency. Legal aspects and ramifications permeate many of the decisions the Agency makes and actions it undertakes; the legal authorities under which it operates are comprehensive, complicated and involve protection of important values--human health and the environment. Accordingly, it is critical that the Administrator and other policymakers have the benefit of high quality legal advice and representation.

If confirmed as General Counsel my priorities would include:

(1) to set and seek a high standard of excellence in the legal work done in the General Counsel's office and in the advice it renders;

(2) to create a positive work environment in the General Counsel's office so that the Agency will receive high quality legal advice in a timely manner; this includes recruiting highly qualified, capable individuals and training, motivating, and supervising the staff in a manner that recognizes and rewards excellence as well as demonstrating an interest in their career development;

(3) to work closely and effectively with Members of Congress and staff, EPA officials, and other Executive Branch officials concerning EPA-related issues, and

(4) to maintain an open door to public interest groups, regulated industry and other parties interested in or affected by EPA's regulations and actions and to try to see that they are fairly treated, within the law, in any action the Agency takes.

EPA has been entrusted with important responsibilities -- the protection of public health and enhancement of our environment. I believe that I can make an effective contribution toward EPA's performance of these responsibilities. I appreciate your prompt consideration of my nomination and hope that you and your colleagues will consent to it.

At this time I would be pleased to respond to any questions you may have.

BIOGRAPHY OF A. JAMES BARNES

Personal Data

Born August 30, 1942, Napoleon, Ohio
Married, Sarah Jane Hughes
Two Children, Morey Elizabeth Barnes and Laura Lehardy Barnes

Education

Michigan State University
B.A., 1964, Graduated with high honors
Student Government President
Named Outstanding Man in Class of 1964

Harvard Law School
J.D., 1967, Graduated Cum Laude

Professional Experience

Current	General Counsel, United States Department of Agriculture
	Chief legal advisor to the Secretary and the Department; responsible for managing 225 attorneys in the General Counsel's Office.
1975-1981	Beveridge, Fairbanks & Diamond, Washington, DC Law Practice included: Administrative Law (primarily environmental and occupational safety and health law); Litigation (environmental, commercial, antitrust and securities law matters); and Commercial Law (contract and corporate law matters). (Partner from 1977-1981)
	Adjunct Professor, School of Business Administration, Georgetown University.
1974	Campaign Manager for Governor William G. Milliken of Michigan.
Fall 1973	Assistant to the Deputy Attorney General, U.S. Department of Justice.
1970-1973	Assistant to the Administrator of the U.S. Environmental Protection Agency.

1969-1970	Trial Attorney and Special Assistant to the Assistant Attorney General, Civil Division, U.S. Department of Justice
1967-1969	Assistant Professor, Graduate School of Business, Indiana University. Recipient of distinguished teaching award given by Class of 1969. Conducted major study of the Indiana trial court system for the Indiana Judicial Study Commission.

Publications

Law for Business, Donnell, Barnes and Metzger; published by Richard D. Irwin (1st Edition 1980) (2nd Edition 1983).

Business Law and the Regulatory Environment, Lusk, Hewitt, Donnell and Barnes, published by Richard D. Irwin Company (5th Edition 1982).

Business Law: Principles and Cases, Lusk, Hewitt, Donnell and Barnes; published by Richard D. Irwin Company (2nd U.C.C. Edition 1970) (3rd U.C.C. Edition 1974) (4th U.C.C. Edition 1978).

Programmed Learning Aid for Business Law, A. James Barnes; published by Leaning Systems Company (1970) (1978).

Bar Memberships

Indiana 1967
District of Columbia 1975

United States of America
Office of Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by A. James Barnes, who has been nominated by President Reagan for the position of General Counsel of the Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Barnes is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosure

FPM Chapter 735
U.S. Office of Personnel Management

FINANCIAL DISCLOSURE REPORT

JL

Page 1

Reporting Status (Check Appropriate Box) ☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Report	**NOTE** All schedules must be filed. Enter "None" in areas or across schedules where appropriate.	Agency Use Only Date of Filing (Month, Day, Year)	OGE Use Only SEP 14 1983

Reporting Individual's Name	Last Name Barnes	First Name and Middle Initial A. James		
Position for Which Filing	Title of Position General Counsel	Department or Agency (If Applicable) Environmental Protection Agency	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)	Termination Date (If Applicable) (Month, Day, Year) N.A.
Location of Present Office	Address (Number, Street, City, State and Zip Code) 401 M Street, S.W., Washington, DC 20460		Room Number 1037 West Tower	Telephone No. (Include Area Code) (202) 382-4134

Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination Senate Environment and Public Works Committee	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held General Counsel, U.S. Department of Agriculture

Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual G. James Barnes	Date (Month, Day, Year) 8/29/83
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Gerald H. Yamada	Date (Month, Day, Year) 9-7-83
Office of Government Ethics Use Only MM 9/21/83 9/14/83	Signature David H. Martin	Date (Month, Day, Year) 9-14-83

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

* Added per Mr. Barnes instructions 9/9/83. JL

(Check box if comments are continued on the reverse side) ☐

7/80 Edition of SF 278 Is Usable 278-107 NSN 7540-01-070-8444

DM 9/13/83

Rev 6 81)

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? Yes ☐ No ☐ or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them; and 4. You do not have knowledge as to the composition of such interest or liabilities.		X

Page Number ➤	2	Schedule **A**
Reporting Individual's Name	Barnes, A. James	
Agency Use Only		
Date of Filing (Month, Day, Year)		

		Income																		Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)											Valuation of Assets (✓)						
Spouse (S) or Dependent Child (DC)	Identification	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	1510 34th Street, N.W. Washington, DC		X										X						A					X	
	3533 O Street, N.W. Washington, DC		X										X						A					X	
	1233 33rd Street, N.W. Washington, DC		X										X						A					X	
	230 Main Street Annapolis, MD		X										X						A					X	
	197 Main Street Annapolis, MD		X											X					A						X
	501 East Street Fenton, MI								X										A				X		
	7490 Ledgewood Fenton, MI								X										A				X		
	Nomadic Structures, Inc. Stock display frames & collapsible structures								X										E			X			
	Royalties - Richard D. Irwin Co. Textbook		X												X										
S	Federal Trade Commission Washington, DC							Salary						X											
	IRA Account - Government Services Savings & Loan, Bethesda, MD			X							X								H		X				
	U.S. Department of Agriculture Washington, DC							Salary							X										

SF 278 - Financial Disclosure Report
(Rev 4/81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number	3	Schedule	B
Reporting Individual's Name	Barnes, A. James		
Agency Use Only			
Date of Filing (Month, Day, Year)			

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	N.A.											

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤ 4	Schedule C
Reporting Individual's Name Barnes, A. James	
Agency Use Only	
Date of Filing (Month, Day, Year)	

I. Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

Source (Name and Address)	Brief Description	Value
American Council of Young Political Leaders Washington, DC	Trip to People's Republic of China as member of delegation of U.S. political leaders.	$3,756.00
[illegible]		

II.—All Other Gifts—*List each source totaling $100 or more in value*

Source (Name and Address)	Brief Description	Value
None		

III. Reimbursements—*List each source totaling $250 or more in value*

Source (Name and Address)	Brief Description	Value
None		

[illegible] This schedule, [illegible], is applicable in the case of all reporting individuals.	Barnes, A. James	Agency Use Only Date of Filing (Month, Day, Year)	Page Number 5	Schedule D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Hamilton Mortgage & Investment Arlington, VA	9 1/4% Promissory Note dated 3/5/76 - 30 yr. term -- Secured by 1st trust on 1510 34th St., N.W., Wash, DC			X		
	Doris Dollar c/o First American Bank Washington, DC	8% Promissory Note dated 2/27/74 - 20 yr. term -- Secured by 1st trust on 1233 33rd St., N.W., Wash., DC		X			
	Margaret Modelski, Trustee Washington, DC	9% Promissory Note dated 6/2/75 - 7 yr. term -- Secured by 1st trust on 3533 O St., N.W., Wash., DC			X		
	First Federal Savings & Loan Annapolis, MD	10% Promissory Note dated 7/27/78 - 15 yr. term -- Secured by 1st mortgage on 230 Main St., Annapolis, MD				X	

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
None				

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
None	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

(Rev. 6-81)

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Barnes, A. James

Agency Use Only

Date of Filing (Month, Day, Year)

Page Number ➤ 6

Schedule D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Farmers National Bank Annapolis, MD	11% Assumption Agreement dated 2/15/79 Re 15 yr. term 1st Mortgage on 197 Main St., Annapolis, MD				X	
	Michele Lamoureaux Annapolis, MD	10% Promissory Note dated 2/15/79 - 5 yr. term -- Secured by 2nd Mortgage on 197 Main St., Annapolis, MD		X			
	Detroit & Northern Savings & Loan Flushing, MI	8 3/4% Promissory Note dated 2/10/78 - 30 yr. term -- Secured by 1st Mortgage on 501 East St., Fenton, MI		X			
	Detroit & Northern Savings & Loan Flushing, MI	10 1/2% Promissory Note dated 5/17/79 - 30 yr. term -- Secured by 1st Mortgage on 7490 Ledgewood, Fenton, MI			X		

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
None				

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
None	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

This section, as changes noted for the third section, is applicable in the case of all reporting individuals.

Barnes, A. James

Date of Filing (Month, Day, Yr.)

Page Number D- 7

Schedule D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	National Bank of Washington Washington, DC	18% Promissory Note dated 4/15/82 - 1 yr. term		X			
	Government Services Savings & Loan Bethesda, MD	16.5% Promissory Note dated 8/--/82 - 30 yr. term -- Secured by first trust on 3533 O St., N.W., Wash., DC			X		

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
U.S. Department of Agriculture 14th Street & Independence Avenue, S.W., Room 2033-S Washington, DC 20250	Government	General Counsel	5/81	Present

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
U.S. Department of Agriculture 14th Street & Independence Avenue, S.W., Room 2033-S Washington, DC 20250	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
* ~~None~~ $1,290 representing a final payout of partnership capital account.	Beveridge + Diamond 1333 New Hampshire Ave., NW. Wash, DC.	April 1982

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
LEGAL AND ENFORCEMENT COUNSEL

MEMORANDUM

SUBJECT: Recusal in Certain Pesticide Proceedings

FROM: A. James Barnes
Acting General Counsel Jim Barnes

TO: Gerald H. Yamada
Deputy General Counsel

The Department of Agriculture has an interest in, and the Department's Office of General Counsel has participated in the pesticide proceedings involving compound 1080 and 2-4-5T/Silvex. During the time I am at EPA, I wish to recuse myself from any participation in these proceedings and delegate by this memorandum the authority to you to take final action for this office in these matters and take appropriate steps to assure that matters concerning these proceedings are not brought to my attention or forwarded to me for action.

Thanks for your assistance.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Avoidance of Appearance of Conflict of Interests

TO: Gerald H. Yamada
Deputy General Counsel

FROM: A. James Barnes
Acting General Counsel
Jim Barnes

Prior to assuming my current position as General Counsel of the U.S. Department of Agriculture, I was a partner in the Washington, D.C. firm of Beveridge and Diamond. While I have no continuing interest in the firm or any of the clients on whose matters I did any significant work* through early 1981, I would like to avoid even the appearance of conflict of interest.

Accordingly, I would appreciate it if you would review particular matters that are proposed for my personal attention that involve any of the following entities:

(1) U.S. Department of Agriculture
(2) Beveridge & Diamond
(3) Nomadic Structures, Inc.
(4) Indiana Port Commission
(5) Wheelabrator-Frye, Inc.
(6) Bowater America Corp.
(7) Metropolitan Sewer District (Jefferson County, KY)
(8) First Mississippi Corp.
(9) First Chemical Corp.
(10) New York Department of Transportation
(11) Risdon Manufacturing Company
(12) Union Camp Corporation

Then, before the matter is brought to me, we should ascertain whether it would be appropriate for me to recuse myself from participating in it.

---

*Except for Nomadic Structures, a local manufacturer of exhibition displays and other structures, in which I have a continuing stock interest as reflected on my Form 278.

STATEMENT
OF
JOHN C. MARTIN
FOR CONFIRMATION
AS INSPECTOR GENERAL
OF THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE
U.S. SENATE COMMITTEE
ON ENVIRONMENT AND PUBLIC WORKS

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you today, and I am honored to be considered by this Committee for the position of Inspector General of the Environmental Protection Agency (EPA). I would like to describe briefly how I believe my professional experience has prepared me for this position, outline my views on the role of the Inspector General, and set out some of the goals I expect to achieve at EPA.

I began my professional career in 1967 as Deputy City Manager for the city of Wilkes Barre, Pennsylvania, after graduation from Kings College at Wilkes Barre and the Graduate School of the University of Maryland. As Deputy City Manager, I coordinated a range of citywide functions, I also served as the Director of the Department of Administrative Services, which included direct supervision of all payroll, purchasing, and budget functions.

For the next three years, I was Assistant to the City Manager in Rockville, Maryland. I assisted in administering the city's personnel system and coordinating its Federal aid program. I performed a wide range of research tasks, including the preparation of the annual city budget and related public reports.

From 1971 to 1976, I was a Special Agent with the Federal Bureau of Investigation (FBI) and served in several different offices. I conducted a wide variety of highly complex criminal investigations, including government fraud and public corruption cases.

In September 1976, I was chosen to be a supervisor and transferred to the FBI Academy, where I worked as an instructor and administrator of the FBI's Personnel Assessment Center. In October 1978, I was assigned to the Surveys and Investigations Staff of the House Appropriations Committee, where I helped conduct an in-depth program review of the Department of Housing and Urban Development. In mid-1979, I transferred to the FBI's New York Division, where I supervised a public corruption and government fraud squad which handled very complicated criminal investigative matters. My duties there included planning investigative objectives; assigning manpower; and guiding Special Agents on technical, legal, and administrative problems.

In July 1981, I became the Assistant Inspector General for Investigations at the Department of Housing and Urban Development. There I was responsible for a nationwide program of investigations aimed at criminal and administrative violations of the Federal laws and regulations governing this Department's programs. My office conducted major investigations of government fraud and corruption matters, both independently and in close cooperation with other investigative agencies such as the FBI. During 1982, I was elected by my peers to serve as Chairman of the Association of Directors of Investigation, which is a Government-wide group consisting of almost all Federal investigative agencies.

These last several years have given me a deep appreciation for the tremendous responsibility the President and the Congress have placed on the Inspectors General of the Federal Government.

Each Inspector General must perform as an independent and objective overseer of his Agency's programs and operations. Yet, he must at the same time function as part of the Agency's management team in order to translate his findings into solid accomplishments. Likewise, each Inspector General has a dual reporting responsibility to the Administration and to the Congress. It is vital that this relationship be maintained, for it helps to ensure the essential balance between independence and cooperation which I believe is the heart of an IG's success.

There is no more important trait which any candidate brings to an Inspector General's position than a strong sense of personal integrity. I pledge to you that I will always seek to carry out my duties with this trait foremost in mind. I also feel honored to have the opportunity to work with men of such caliber as Bill Ruckelshaus and Al Alm. They have both committed themselves to supporting an effective Inspector General operation and utilizing the insight of the Inspector General's office to help improve EPA's operation in every way possible. They have already worked hard to establish the Inspector General as a full partner on the management team. I can only predict that from this strong base of support we will be able to carry out a very active audit, investigation, and prevention program to EPA's benefit.

Now let me comment on my major goals--should I be confirmed as Inspector General of EPA. Every Inspector General must base his actions on accurate, thorough, and professional audit and investigative reports. These are the basic building blocks which can be used to document Agency problems and achievements and then pursue improvements.

My first goal concerns the Inspector General's Office of Investigations. Ever since it was created, this office has operated under very stringent personnel limitations. It has simply had insufficient resources to mount an effective investigative program of any magnitude. I intend to allocate additional staffing to this function in order to promote the fullest possible compliance with the Federal laws and regulations which are under our jurisdiction. I will also ensure that those investigations which we do conduct are done in a timely and professional manner.

My second goal is the development of a thorough and penetrating internal audit program. The Inspector General's Office of Audit has also faced staffing shortages and has been unable to regularly conduct the comprehensive internal and management audits necessary to help detect fraud, waste, and mismanagement in EPA's programs. For example, the Inspector General's office has never performed a detailed review of EPA's compliance with and implementation of the Resource Conservation and Recovery Act, which mandates oversight of the nearly 60 million tons of hazardous wastes produced annually. It has never tested the effectiveness of EPA's regional laboratories in supporting ongoing enforcement actions or the adequacy of EPA's oversight of the delegation of authority to States to manage the costly construction grant program.

These are but a few of the untouched areas that an effective internal audit program can examine. If problems are found, they can be corrected before they get out of control; if practices are sound, appropriate assurances can be given to EPA management.

Finally, it is vital that EPA move toward an effective program to prevent fraud, waste, and mismanagement rather than trying to pick up the pieces of a major problem after it has developed. In this regard, I plan to create a new function within the IG's office that will be devoted to this objective. We will work with top EPA management to put in place mechanisms for developing employee awareness about fraud, waste, and abuse; identifying potential problems in new or existing programs; and making the needed corrections. This project already has the personal backing of Bill Ruckelshaus and Al Alm, and I am certain it will succeed.

In short, if confirmed, I look forward to very challenging and rewarding responsibilities at EPA, and I fully believe that my professional experience and education will enable me to meet those responsibilities. I pledge to always work with this Committee and the Congress and to carry out the unique role of an Inspector General to the very best of my ability.

Mr. Chairman, I would be happy to answer any questions that you or members of the Committee might have.

BIOGRAPHICAL AND FINANCIAL INFORMATION

OF

JOHN C. MARTIN

FOR CONFIRMATION
AS INSPECTOR GENERAL
OF THE
U.S. ENVIRONMENTAL PROTECTION AGENCY

A. BIOGRAPHICAL INFORMATION

1. Name:

   John C. Martin (Name legally changed from John C. Marcinkowski)

2. Position to which nominated:

   Inspector General of the Environmental Protection Agency

3. Date of nomination: September 20, 1983

4. Address: 15881 Beaver Dam Road, Dumfries, VA, 22026

5. Date and place of birth: March 4, 1945--Wilkes Barre, PA

6. Marital status: Married, Spouse: Mary Jane Martin

7. Names and ages of children:

   Erika 15 Sean 14 John 13 Jeffrey 12 Susan 10 Jessica 10

8. Education:

   High School -- St. Vincents, Plymouth, PA 1963
   Bachelor of Political Science, Kings College, Wilkes Barre, PA, 1967
   Master of Public Administration, University of Maryland, 1970
   Federal Executive Institute, September 1981
   Numerous Law Enforcement Courses, FBI Academy, 1971-81

9. Employment record:

   Deputy City Manager, Wilkes Barre, PA, 1967-1968
   Assistant to the City Manager, Rockville, MD, 1968-1971
   Special Agent, Federal Bureau of Investigation, (various locations) 1971-1976
   Supervisory Special Agent, Federal Bureau of Investigation, Washington, DC and New York, NY, 1976-1981
   Assistant Inspector General for Investigations, HUD, Washington, DC, 1981

10. Government experience: (Listed above)

11. Business relationships: None

12. Memberships:

    Federal Executive Institute--Alumni Association
    Association of Federal Investigators
    Association of Directors of Investigation
    International Association of Chiefs of Police
    Member, Board of Directors, Little League, Inc., Dumfries, VA

13. Political affiliations and activities: None

14. Honers and awards:

    Academic Scholarship, Kings College, Wilkes Barre, PA
    Various performance awards as government employee, 1971-83

15. Published writings: Study of FBI's Personnel Assessment Center, published by Office of Personnel Management, 1979

16. Speeches: None

17. Selection:

    (a) Do you know why you were chosen for this nomination by the President?

    Yes.

    (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

    My experience as a Special Agent and Special Agent Supervisor of the FBI and as the Assistant Inspector General for Investigation at the Department of Housing and Urban Development has been an ideal preparation for this position.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

   I have no such affiliations except my government employment.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

None.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I have no potential conflicts.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes. No such opinions exist as of this date.

D. LEGAL MATTERS

1. Have you every been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject or a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

   No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

   No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

   None.

E. FINANCIAL DATA

1. Provide a complete and current financial net worth statement which itemizes in detail:

   (a) The identity and value of all assets held, directly or indirectly, with a value in excess of $1,000.

   (b) The identity and amount of each liability owed, directly or indirectly, which is in excess of $1,000.

Current residence:	Mortgage:
15881 Beaver Dam Road	Cameron-Brown Co.
Dumfries, VA	Raleigh, NC
Value: $175,000	$88,000 15 years
	Payment @ 10% APR

Investment property: #223 Mariner's Court Rehoboth Beach, Delaware Value: $125,000	Mortgage: Fidelity Bank & Mortage Co., Philadelphia, PA $40,000 20 years Payment @ 9 3/4% APR
Dreyfus Investment Fund New York, NY (cosignatory with my father, John A. Marcinkowski)	Value: $25,000
North Eastern Bank of Pennsylvania Plymouth, Pennsylvania Certificate of Deposit (cosignatory with my father, John A. Marcinkowski)	Value: $30,000
Second Trust on former residence 30 Disbrow Lane New Rochelle, NY	$40,000, 5 years, 13% APR

2. Provide a list of all other liabilities owed, directly or indirectly, having a value in excess of $1,000 at any time during the last 12 months. Identify the nature of each liability, the amount, and the name of the person owed. Describe the terms of each liability, the security or collateral for each liability, and the current status of the debt repayment.

   None.

3. Provide the identity, date, and amount of all transactions, directly or indirectly, in securities, commodities futures, and real estate or other investments, having a value in excess of $1,000, which have taken place within the last 12 months. For purposes of this paragraph, the identity of individuals or charitable organizations need not be reported but should be indicated.

   None.

4. Provide the identity of and a description of the nature of any interest in an option, mineral lease, copyright, or patent held, directly or indirectly, during the past 12 months and indicate which, if any, have been divested and the date of divestment.

   None.

5. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

   None.

6. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

   I have power of attorney of my father for the Dreyfus account listed above.

7. List sources and amounts of all items of value in an amount exceeding $100.00 received by you, your spouse and your dependents during each of the last 3 years. This should include, but not be limited to, salaries, wages, fees, dividends, capital gains or losses, interest, gifts, rents, royalties, patents and honoraria. Gifts received from members of your immediate family need not be listed.

1980 -	US Government-FBI (wages)	$42,520
	Greenwich Savings Bank, NY (interest)	548
	Dollar Savings Bank, NY (interest)	548
	Citibank, NY (interest)	378
	Barclays Bank, NY (interest)	640
	First American Savings & Loan, NY (interest)	46
	Peoples Bank, NY (interest)	854
	Dreyfus Fund, NY (interest)	293
1981 -	US Government-FBI, HUD (wages)	47,522
	Sterling Products, PA (wages-spouse)	4,395
	Dreyfus Fund, NY (interest)	3,449
	Peoples Bank, NY (interest)	1,704
	Second Trust--former residence	682
1982 -	US Government-HUD (wages)	56,248
	Dreyfus Fund, NY (interest)	4,912
	Second Trust--former residence	5,413
	Stewart Mailing Services (wages-spouse)	197

8. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

   None.

9. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

   Yes.

10. Have your taxes always been paid on time?
    Yes.

11. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

    Yes.

12. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

    No.

13. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

    No.

AFFIDAVIT

JOHN C. MARTIN, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Fiancial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

John C Martin

Subscribed and sworn before me this 30th day of September , 1983.

Katharine M. Thompson, a Notary Public in and for the District of Columbia.

Katharine M. Thompson
Notary Public

My Commission Expires October 14, 1985.

NOMINATIONS

THURSDAY, OCTOBER 20, 1983

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 10:25 a.m., in room SD-406, Hon. Robert T. Stafford (chairman) presiding.

Present: Senators Stafford, Chafee, Symms, Randolph, and Bentsen.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The Committee on Environment and Public Works will please come to order.

We want you to know that our delay of starting has been caused by a visit of the French Minister of Environment, who we thought we would like to exchange views with. And that has delayed us slightly, but it has given us the opportunity to introduce several of our colleagues to Madam Minister.

This morning the Committee on Environment and Public Works is considering the nominations of Mrs. Courtney Price to be Special Counsel for Enforcement and Mr. Jack Ravan to be Assistant Administrator with responsibility for water programs at the Environmental Protection Agency.

Mrs. Price has been working at the Environmental Protection Agency since April as Special Counsel to the Administrator for Enforcement. Should she be confirmed, her job is to make certain that our environmental laws are enforced. It is an important opportunity and one that should be approached with a certain amount of vigor that many of us have found lacking previously. Before coming to EPA, Mrs. Price was Assistant Administrator for the Highway Traffic Safety Administration, as well as Deputy Chief Counsel of that organization.

If confirmed, Mr. Ravan will have responsibility for protecting the Nation's waters, both surface and underground, from degradation. He has most recently been working in the private sector, but before that was director of the Alabama Department of Energy. Before that he was regional administrator of region IV in Atlanta, Ga. It is also worth noting in his background he has served as administrative assistant to the distinguished chairman of the Judiciary Committee, Senator Strom Thurmond of South Carolina.

We want to welcome you both to the committee this moring. Do either of you have family who are here?

Mr. RAVAN. Yes, sir, I do.

Senator **Stafford**. We would like to ask members of your family to stand so we could welcome them.

Mr. **Ravan**. My wife, Roberta, Senator.

Senator **Stafford**. Very nice. Thank you.

Mrs. Price, do you have family present?

Mrs. **Price**. Yes, my husband, Joe Price, is here.

Senator **Stafford**. We are very happy you are here, too.

We think it is especially appropriate that Senator Strom Thurmond honors us with his presence and that he will introduce the first nominee.

STATEMENT OF HON. STROM THURMOND, U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator **Thurmond**. Thank you very much, Mr. Chairman and Senator Randolph.

It is a pleasure to introduce to you today Mr. Jack E. Ravan who has been nominated by President Reagan to be Assistant Administrator for Water Programs of the Environmental Protection Agency.

A native of Easley, S.C, Jack Ravan graduated from the U.S. Military Academy in 1959. He served as a commissioned officer in the U.S. Army from 1959 to 1967. While serving in the Army, he was promoted from second lieutenant to captain.

Jack continued serving his country in jobs throughout the Government after his work with the Army. He was a technical manager with NASA in 1968. In 1969, he became my administrative assistant in the Senate and served most ably in that position until he was appointed as Special Assistant to the Federal Cochairman of the Coastal Plains Regional Commission in 1970.

In 1971, Jack assumed the position of Regional Administrator of the Southeastern Region of the U.S. Environmental Protection Agency. While serving as Regional Administrator, he was also Chairman of the Southeastern Federal Regional Council and a member of the Ohio River Basin Commission.

In 1977, Jack returned to the private sector and joined Jordan, Jones, and Goulding, an environmental engineering firm in Atlanta, Ga., as a member of its executive management committee and as director of business development.

Jack became the director of the Alabama Department of Energy in 1980 and served in that position until 1982. From December 1982 to the present, he has been vice president for project development of Signal Clean Water Corp. in Atlanta.

Mr. Chairman, Jack Ravan has been a dedicated and competent public servant for many years. I was pleased to recommend him to President Reagan for a position in this administration, and I believe that he will do a most able job as an Assistant Administrator at the Environmental Protection Agency.

Thank you for giving me the opportunity to introduce him to you today. I understand the distinguished Senators from Georgia, where Mr. Ravan now lives, are here to speak in behalf of him also.

Senator **Stafford**. Thank you very much, Senator Thurmond. Knowing how busy you are, we would be pleased to have you remain, but if other commitments require you to leave, we understand that also.

Senator **Thurmond**. Thank you very much. I do have another engagement, and if you will excuse me I will depart at this time.

Senator **Stafford**. Certainly.

We are very happy that Senator Nunn is here, and we would be glad to hear from you.

STATEMENT OF HON. SAM NUNN, U.S. SENATOR FROM THE STATE OF GEORGIA

Senator **Nunn**. Thank you very much, Chairman Stafford and Senator Randolph.

I am delighted to echo, first of all, everything my colleague and friend from South Carolina, Senator Thurmond, has said about our nominee. I want to thank you personally for allowing Senator Mattingly, Senator Thurmond, and myself to be here this morning.

Jack Ravan will be, I think, an excellent Assistant Administrator for Water Programs at the Environmental Protection Agency. Having served as the Regional Administrator of the EPA for the Southeastern Region, and as the Director of the Alabama Department of Energy, he has a proven record of valuable experience in environmental management.

My experience with Mr. Ravan is primarily through his residency in the State of Georgia and also his experience there in government. Georgia's Governor, Joe Frank Harris, and Georgia's director of environmental protection, Leonard Ledbetter, have expressed to me their strong support of Mr. Ravan's nomination to this position, and they have asked me to lend my support also. My own staff has praised Mr. Ravan in all of his efforts while he was in key positions that he has held in the Southeast United States, and also in working with him, he has had a balanced policy. He has been able to appreciate the free enterprise needs and demands and also the very critical needs of the environment.

I am, therefore, happy to appear before this committee, Mr. Chairman, and recommend Mr. Ravan be approved by the committee and full Senate. In the interest of time, I would just submit the rest of my statement, but again urge the Senate to confirm this outstanding nomination.

Senator **Stafford**. Thank you very much, Senator. We will place your full statement in the record.

[Senator Nunn's statement follows:]

STATEMENT OF SENATOR SAM NUNN
BEFORE THE SENATE COMMITTEE
ON ENVIRONMENT AND PUBLIC WORKS
IN SUPPORT OF MR. JACK RAVAN

Mr. Chairman, I would like to thank you for this opportunity to speak on behalf of the nomination of Mr. Jack Ravan to be the Assistant Administrator for Water Programs of the Environmental Protection Agency.

Having served as the Regional Administrator of the EPA for the Southeastern Region, and as the Director of the Alabama Department of Energy, Mr. Ravan has a proven record of valuable experience in environmental program management. Georgia's Governor Joe Frank Harris, and Georgia's Director of Environmental Protection Leonard Ledbetter, have expressed to me their support of Mr. Ravan's nomination to this position and have asked me to lend my support, also. Therefore, I am happy to appear before this committee to recommend that Mr. Ravan be approved by the committee and by the full Senate.

Mr. Chairman, it is indeed a pleasure to support for high administrative office a person with such extensive experience in government administration, in the private sector, and on Capitol Hill. Protection of all our environmental resources, and particularly our water resources, is a matter of vital concern to all Americans. I am also pleased that someone who has lived in Georgia, worked with our state officials, and gained their respect and support has been chosen by the President for such an important position.

Thank you Mr. Chairman, and I hope the committee will see fit to approve Mr. Ravan's nomination.

Senator **Stafford**. We would be very happy to hear, Senator Mattingly, from you at this time.

STATEMENT OF HON. MACK MATTINGLY, U.S. SENATOR FROM THE STATE OF GEORGIA

Senator **Mattingly**. Thank you, Mr. Chairman and Senator Randolph.

I appreciate the committee giving me the opportunity to say a few words on behalf of Jack Ravan, a Georgia constituent and, I might add, a good Republican.

I won't go into Jack's background and qualifications for the post as Assistant Administrator for Water Programs at EPA. I am sure this committee has much more reliable sources than myself to draw on for that information.

But I do want to point out the importance of EPA water programs and their administration to economic growth and the creation of jobs, especially in my region of the country. We need people at EPA who understand that aspect of water policy, and I believe Mr. Ravan's record of public service shows that he has an understanding and the experience and capability to guide EPA's water policies in the direction of growth and jobs.

Mr. Chairman, it gives me really a great deal of pleasure to be able to recommend Mr. Ravan's confirmation to this committee and my colleagues in the Senate and bring him and his lovely wife, Roberta, into this governmental service.

Thank you, Mr. Chairman.

Senator **Stafford**. Thank you very much, Senator. Your words and those of your colleagues will bear a great deal of weight with this committee.

I would now say to Mr. Ravan that, before you go ahead with your statement, this is the most appropriate time for you to hear from the Chairman Emeritus of this committee. Under his tutelage, I think I learned how to run a committee. But like all students, I slipped up this morning. I should have recognized Senator Randolph before we had the speeches in your behalf.

Senator Randolph, my apologies, but this is a particularly good time for you to impress things on the nominee.

OPENING STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator **Randolph**. Mr. Chairman, no apologies should ever come from you. I share the feeling that never have I been a member of any committee in the Senate where there has been a closer working relationship and, in fact, an understanding of substance as we have had for these many years together, as well as with other members of the committee.

You use that word "emeritus," and I just know that there are some people that do not pronounce it in that way. I don't want to tell you just who they are, where they live, but for 50 years I was a trustee of Salem College, from which I was graduated. And a dear friend of mine who is almost 90 but still very active, as I walked on Main Street toward the college a few weeks ago for a meeting of our board of trustees, he said to me as he called across the street, "Jennings, I want to talk to you."

I said, "I will be right over."

He said, "No, I am still able to walk." He is 89, but he moved over quickly. He said, "I want to have you explain one situation. You were trustee of the college for 50 years. Now I see you listed as 'trustee emeritus.'" There are different pronunciations. He said, "Just what is this emeritus?"

I said, "Well, it just means I am still hanging around."

He said, "OK, that is all right."

So, for 15 more months, God willing, I will be hanging around with you.

We join with members of our committee under the able leadership of our chairman, Senator Stafford, to receive testimony from two individuals who have been nominated to important positions in the Environmental Protection Agency, that Agency being a child, shall we say, of this committee and which we want to continue our concern and commitment.

Jack Ravan has been chosen to be the new Assistant Administrator for Water.

I was very interested in what the Madam Minister was saying as we discussed the waters of France, whethez they were continuing the pollution that we know they had and the discharge of raw sewage, and so forth, which I saw in years gone by into those streams. So when I speak of water here, I am just thinking of the documentary that she is spelling out on what they are trying to do in France to clean their rivers.

And in that position, of course, there will be the direction of the Office of Water Enforcement and Permits, the Office of Water Regulations and Standards, the Office of Water Programs Operations, and the Office of Drinking Water. Among the responsibilities, one of the most important and perhaps the largest in its scope and operation is the construction grants program. This comes, I think, second only, Mr. Chairman, as I have looked back, to our Federal highway program in terms of expenditures of public works. I believe that may be documented as true.

I can say Jack has had extensive experience in the fields of State government, certainly private industry, and now the Federal sector. I think you have served for nearly, I believe, 6 years as Regional Administrator for the Southeastern Region of EPA. Will you spell out very quickly which region that comprises?

Mr. RAVAN. It comprises eight States, Senator Randolph, in the Southeast, stretching from North Carolina to Mississippi and Florida through Kentucky, including Tennessee, Mississippi, Alabama, Georgia, Kentucky, the two Carolinas, and Florida.

Senator RANDOLPH. But not West Virginia?

Mr. RAVAN. Not West Virginia.

Senator RANDOLPH. We have difficulty. We are south of the Mason-Dixon line.

Mr. RAVAN. Yes, sir.

Senator RANDOLPH. We have a little difficulty knowing just where we are, but we are there.

And you will, I think, bring a considerable expertise to this post of Assistant Administrator for Water. I look forward to working with you and other members of the committee.

Courtney Price, may I make the comment, nominated for Special Counsel for Enforcement, certainly has a wide range of experience.

I am reminded that I must be very careful in saying that that is a woman rather than a man. I want to make sure, because I didn't like to say Miss or Mrs. Ms, I don't like that. I often say myself I wish that someone would be recognized as a chairman and chairwoman. I don't think much of chairperson. Don't misunderstand me. There is no time for philosophy on that subject.

Mrs. Price has served not only with the EPA program but with the U.S. Department of Transportation and the Department of Energy. She certainly has worked in the private sector. And so as chief for enforcement, Mrs. Price will be responsible for a very important activity in EPA. Under her direction, enforcement actions will be taken against violators to the Clean Water Act and the Clean Air Act, Solid Waste Act, Toxic Substances Control Act, certainly the other laws that are within the jurisdiction of EPA. It is a wide-ranging duty she will have. It will not be an easy one. It will be very dificult, but I have confidence that she will perform these in a manner that will reflect credit not only on herself and the Agency but on the Government per se.

Now that is all I have to say, and perhaps too much, Mr. Chairman. I think the testimony of the individuals will bear out the need for, hopefully, not the precipitous action but a very prompt action in reporting these favorably to the Senate.

Senator STAFFORD. Thank you very much, Senator Randolph.

I will, at this point in the record, insert Senator Chafee's opening statement in anticipation of his arrival.

[Senator Chafee's statement follows:]

OPENING STATEMENT OF SENATOR JOHN H. CHAFEE
NOMINATION HEARING ON JACK RAVAN &
COURTNEY PRICE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SENATE DIRKSEN ROOM SD-406

OCTOBER 20, 1983

I am pleased to join my colleagues in welcoming the nominees and their families before the Committee this morning. I have met with each nominee and have found each to be qualified.

This morning I am interested in learning more about the philosophical outlook of each of these individuals. I would like the nominees to be aware that they have a terrific opportunity today. It's probably the last time that you can come before the Committee and tell us what you really think. Assuming you are confirmed, the next time you sit at that table you will be weighted down with Administration positions and OMB policy that you may unfortunately find to be inhibiting. So take advantage of this chance to be completely candid.

I would like to find out how each of you views the responsibilities you will be exercising. In your case, Mrs. Price, I want to know the extent of your commitment to pursuing polluters. Congress has given you some effective tools for enforcing the laws designed to protect our environment. How do you intend to use them? Specifically, I am eager to hear of your plans to handle the numerous enforcement powers in Superfund and, most importantly, if we are ever going to collect money from the dumpers to replenish the fund. I'm sure that many of these powers have never been fully used, so an added burden you have is that you will be the yardstick against which future enforcement counsels will be measured.

Even though you have virtually limitless authority to litigate, I think you should not be shy about settling cases, if that is the best solution. The number of cases you refer to Justice is important but sometimes litigation can delay clean up. So as far as I'm concerned, settlement is not always the wrong way to go.

Mr. Ravan, I have had an active interest in the area for which you are nominated to be responsible for and have some strong opinions about the national commitment to clean water.

You have stated your intent to bring a balanced approach to the job at hand. What I am interested in is the responsibility you feel to continuing the effort to clean up the nation's waters and to the protection of our dwindling wetland resources. What will be your priorities and how do you intend to implement them?

As you work to put your programs in place at the Agency, you will undoubtedly meet numerous people that represent different interests than yours. You have only one interest to represent, the public interest in the Nation's waters. I hope you take advantage of the opportunity you have today of letting us know the way in which you will perform as the Nation's chief advocate for clean water.

Finally, I want to stress to you both that you should look upon this Committee as a place you can come to for guidance and support. We wrote most of the laws that you will be administering and we want to help you do your job as effectively as possible. It is in our interest as well as yours, that you succeed.

Senator STAFFORD. Mr. Ravan, we would be glad to hear from you. We have your statement. We will place it in the record in full. You may either deliver it or summarize it, whichever you wish. I see it is commendably short even by Northern New England standards.

STATEMENT OF JACK E. RAVAN, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR WATER, ENVIRONMENTAL PROTECTION AGENCY

Mr. RAVAN. Mr. Chairman, Senator Randolph, and other members of the committee, I think I would, in the interest of time, like to summarize my statement. And you have, as you have pointed out, the statement for the record.

Mr. RAVAN. Just let me move quickly to that portion that deals more particularly with a little bit about Jack Raven.

Let me take this opportunity, Mr. Chairman and Senator Randolph, to express publicly my appreciation for my lovely wife, Roberta. Her presence here today strengthens me and she has stood faithfully beside me as I have carried out these years of public and private service that have been enumerated to you already, and I very much appreciate her being here this morning.

My faith is in a triume Godhead who has blessed this Nation with a deep abundance of natural resources, and while we as Americans have perhaps missed the point of that blessing with our "Westward Ho," free American spirit of adventure, this committee and many other dedicated Americans have moved us to a point in this early part of the eighties where we must be very much concerned about protection, and set-asides, for future generations.

I do have a deep sense of duty to my country. My country has stood beside me and I have tried to yield a satisfactory service during these last 23 years.

I come before you this moring simply to state that I will and do commit to this committee a faithful service in the observance of the laws that this Congress and the President has signed, and that I will transmit to you from time to time or appear before you to give, as you may wish, testimony as to the execution of these laws.

I want to thank you, Mr. Chairman, the members of the committee with whom I visited personally, and especially the staff of the committee who have dealt with me in a very straightforward manner. They have, in fact, examined my views very thoroughly, and I appreciate that very much. I appear before you this morning to answer any questions you may have for me. Thank you.

Senator STAFFORD. Thank you very much, Mr. Ravan.

Mr. Ravan, let me ask you a few questions on behalf of the committee.

There are apparently over 10,000 major sources of waste-water discharge that are in NPDES limbo because their permits expired in the last few years and have not been renewed or they are not covered by "best engineering judgment, " the permits do not reflect EPA effluent guidelines. In some of these, BEJ permits were issued 6 or 7 years ago.

That backlog is worse for 40,000 or more minor sources nationwide, many of which never received first-round NPDES permits.

My question to you is, How can the water program retain credibility if its principal regulator, the NPDES permit, is expired or outdated, and what will you do to assure permits are reissued by the several States and by EPA?

Mr. **Ravan**. Thank you, Mr. Chairman.

I would agree that if we do not remove this backlog of both major and minor permits, our credibility is in deep question. I think probably that is already the case, and your question this morning points that out.

We are doing, and will continue to do, two or three major actions to eliminate this problem which was brought on primarily because the permit writers, both at the State and Federal level, have not had the benefit of effluent guidelines for the major categories you addressed. Those guidelines have been tied up in court cases. But I am happy to report to the committee this morning that the guideline issuance is now on schedule, consistent with the court-ordered schedule for those guidelines.

I will commit to you that schedule will be attained and that we will have into the hands of permit writers those guidelines so they can move rapidly forward. I am happy to commit to you this morning that by the end of fiscal year 1985, we fully expect that the backlog for major permits will have been removed.

Senator **Stafford**. Thank you.

I think before I go to the next question I would like the record of the hearing to show that the committee is honored this morning by having with us Madam Bouchardeau, who is Secretary of State to the French Prime Minister for Environment and Quality of Life in France. We are very happy to welcome you here, Madam Minister.

Minister **Bouchardeau**. Thank you.

Senator **Stafford**. Mr. Ravan, I understand neither EPA nor the States are actively and regularly performing compliance monitoring to confirm that sources meet their discharge permit requirements and that what are called the standards and goals are being achieved. If this is so, how can the integrity of the water quality program be assured, and what steps will you take to improve compliance monitoring by EPA and by the several States.

Mr. **Ravan**. Mr. Chairman, I would agree that this is a gap that has in fact developed. In the initial round of permit issuance, as I think the law perhaps intended, there is and has been a deep reliance upon the dischargers themselves to report for their individual discharges the condition of compliance. Those reports are mandated. They are part of the permit system. And if they should fail to report their condition or in fact report falsely, there are provided for very heavy penalties for that kind of action.

However, we have learned, I think, that this probably is not sufficient in terms of the ambient water conditions where those dischargers do exist. And I am prepared to commit to you this morning, having talked in some brief sessions with Mr. Barrett, who is a member of my staff and responsible for that area, that we are going to improve the EPA monitoring program that will help us police and enforce the conditions of the permits and make certain that the conditions of the water are one, known and two, we do something about it if in fact the permit dischargers are the problem.

Senator STAFFORD. Thank you.

EPA has proposed revisions to the construction grants regulations. I understand that one part of that proposal would disallow Federal funds for replacement to municipal facilities that received some assistance before 1972 under the grants program established back in 1956. This proposal would appear to penalize a great many communities around the country that took early action to abate pollution before the grants program was expanded in 1972. It also appears to change program rules in midstream, potentially affecting a number of large and small municipalities.

Do you agree that this is the likely effect of the proposal, and will you take these points into consideration before finalizing any changes?

Mr. RAVAN. Yes, sir, I certainly will. I will take those views into consideration.

The point of the so-called second grant to previous grantees is open for debate at this time as far as I am concerned. I certainly am open to it. There seems to be, in my initial looking at that question, probably four conditions of the grantee, the recipient of the grant, having to do with the two laws under which they would receive grants, Public Law 84-660, pre-1972, and Public Law 92-500, after 1972. I simply raise the point of equity in this particular case and the opportunity for pollution cleanup with the grant moneys available. And, Senator, I commit to you that I will be very open and I will deal with you and the committee and the staff prior to any final decision being made.

Senator STAFFORD. One final question from this Senator.

The committee has been concerned for some time about problems of sewage sludge management, and particularly about EPA's failure to develop and publish criteria for sludge use and disposal. These regulations were required to be published within 1 year of the enactment of the 1977 amendments to the Clean Water Act. Once in place, those regulations will be important, not only for sludge disposal itself and protecting the public against toxic pollutants in sludge, but also for the successful implementation of pretreatment programs. The committee recently reported amendments to the Clean Water Act giving the Agency added direction concerning development of these guidelines, while establishing new deadlines for their promulgation.

What steps will you take to develop and issue the necessary guidelines in a timely manner?

Mr. RAVAN. Mr. Chairman, first of all, I will be faithful to and directed by the language as provided by the committee and the Congress. Second, in my initial examination of that particular issue, unfortunately, I have to report to you that there have been sputtering, incomplete starts with regard to resolution of that particular portion of the legislation. However, at the same time, under the direction of Mr. Ruckelshaus, our new Administrator, we, the Office of Water Resources, have been given a clear mandate for leadership in this area. I think that was terribly important and seemed to be lacking in the past. Also, we have a task force at work on this issuance at the present time, and I am confident that we will in fact meet the deadlines, new deadlines, as set by the

Congress, and we will be able to provide guidance to all of the wastewater treatment plant users on this sludge question.

Senator **Stafford**. Thank you.

Senator Randolph, do you have questions?

Senator **Randolph**. Thank you very much, Mr. Chairman. First of all, where were you born?

Mr. **Ravan**. Sir, I was born in Easley, S.C. That is the northwestern corner of the State of South Carolina.

Senator **Randolph**. I was just remembering, Senator Thurmond was here and then we had two other Senators present. I wanted to be sure whether you worked in both areas, of course, the State of South Carolina and State of Georgia. But I came in a little late; I just wanted to check it out.

Mr. **Ravan**. Yes, sir.

Senator **Randolph**. Mr. Ravan, this is a figure that I think I want to underscore. Approximately 50 percent of the population of the United States and approximately one-third of our geographical area are served by small wastewater systems I did offer an amendment in 1977, it was strengthened in 1981, and those were directed toward the Clean Water Act, with the setting aside of funds for what I call alternative systems, smaller systems, innovative systems, in a sense, in many States, West Virginia being involved. Now those moneys are lapsing. They are not being used. And West Virginia has not taken advantage, very frankly, of this set-aside because perhaps of a simple lack of knowledge of what these systems can do. So there is a need for education and dissemination of information on those alternatives, especially to States and communities like I have described. I think it is very vital.

In 1977, we authorized the establishment of the national small flows clearinghouse. That clearinghouse is appropriately located at West Virginia University at Morgantown. Its purpose was to gather and disseminate information on these alternative waste treatment systems which are available, and I think they are applicable for the smaller communities and the rural areas of a State like West Virginia.

Yet, in the past 2 years, Mr. Chairman and my colleagues of the committee, only $112,000 annually has been allocated to the clearinghouse. Well, that is inadequate funding, and the clearinghouse has been unable to provide that information which, in a sense, would be free and available, or even to establish what I call an open exchange of information on the technologies, the need for the development and management of these systems. It is unable to sponsor, very frankly, educational courses for State and local officials. It can't even publish a newsletter. The clearinghouse estimates that it could accomplish the objectives which we set for it with a budget of $750,000. That would be on an annual basis.

I would like for you for the record to say whether you think such an expenditure of Federal funds is important. You have spoken about your desire to move. Would you support increased levels of funding for this clearinghouse? Should it not be earmarked specifically—I think it should be—for the clearinghouse as part of our water program? I don't think it should be taken from EPA research funds. That is what we have been doing in the past years. Would you address this very important subject?

Mr. **Ravan**. Thank you, Senator Randolph. I really appreciate the opportunity to comment.

Not so much in my pubic service as Regional Administrator but since that time, and I believe probably because of some of the amendments and developments in this field that you pointed out, there has developed a recognition of the fact that in small communities and in some areas where land is very much available for the further treatment of the discharge from the plants there could, in fact, be alternative treatments. Perhaps less of the physical/chemical treatment in the plant and more treatment systems which take advantage of some of the land application and other alternatives which you described. I have not administered that particular program myself, but I am, No. 1, very interested in it. I think that it offers some opportunities in States such as West Virginia and some of the Western States perhaps, which have two needs: there are a lot of small towns that need treatment; and they also need water, water for irrigation or water for uses other than just instream situations. I think those two combinations come together very nicely to promote the program that you are talking about.

As to the amount of money, I certainly would agree in concept and precept that $112,000 a year is insufficient. I want to go back and take a look to see whether or not we could arrive at a sufficient level of funding from the EPA to support this program. I can say to you this morning that certainly I support it in concept. Before I give you numbers, I would just like to go back and find out whether or not there is any money available for such a thing, and if there is, I will report back to you.

Senator **Randolph**. Mr. Chairman, this is an encouraging response from Jack. I can well understand your desire to cite no specific figure; I can understand that. Your willingness not to put off but to make it a priority, is encouraging.

Mr. **Ravan**. Yes.

Senator **Randolph**. Because on the face of it, you can't do anything with the amount of money that has been allocated. Isn't that right?

Mr. **Ravan**. That is true, Senator. I was thinking about that for a moment, especially with the objective you have assigned. you could almost draw the conclusion that either go out of business or get a sufficient amount of funding. I think $112,000 might almost be like making a promise without any real ability to keep that promise.

Senator **Randolph**. I thank you very much.

Mr. Chairman, I want to cooperate timewise with you. There are at least two more questions that I could develop, but we shall have those given to you and you might respond, as I understand it, for the record.

Mr. **Ravan**. Yes, sir.

Senator **Stanfford**. Senator Randolph, I would reserve the right, without objection, to all members of the committee to submit questions in writing to each of the nominees this morning. And I would heartily recommend the nominees respond as quickly as possible in order to expedite our voting out their nominations.

Mr. **Ravan**. Yes, sir.

Senator **Stafford**. With that understanding then, Senator Randolph, you will submit additional questions in writing?

Senator **Randolph**. Yes, at least two beyond the discussion we have had on the alternatives of small systems.

Senator **Stafford**. Senator Bentsen?

Senator **Bentsen**. Thank you, Mr. Chairman.

Mr. Ravan, I would like to ask you some questions concerning a subject of intense controversy on the southern tip of the Texas coast, and that is a question of ocean incineration of waste. That has been going on for several years off Brownsville and that part of Texas, and it has resulted in a great deal of environmental concern on the part of people that the environment is going to be seriously damaged. I am not going to ask you as to the substance of this question, because I doubt that you have been a part of the decisionmaking on this subject up to this point. But I would like to ask you some questions to get some feel for how you are going to approach the decisionmaking on it.

In the last week, you have had two permits issued for burning of waste that contain PCB, and then you have another one for DDT. One of the questions that gets involved is will you put the same kinds of required environmental protection on ocean incineration that you put on incineration on land, and will full consideration be given to any potential damage that might result from a spill, resulting from ocean incineration and how it might affect the gulf coast? For EPA to issue a permit without doing that I think would be totally irresponsible.

Frankly, some of the things that have happened in the EPA over the last few years have not led to trust in decisionmaking, so you are going to have a very substantial burden on you, quite a responsibility. So I call on the Agency to make certain that, these requirements take that into consideration and that that be satisified in that regard. First, if you have just as tough requirements for ocean incineration as you do for land incineration, and full consideration before any kind of a final permit decision is made as to what the results might be of a spill in that area.

Mr. **Ravan**. Senator Bentsen, I am somewhat, as you pointed out, aware of the intense public interest and controversy with regard to the particular at-sea destruction of these toxic substances. I want to commit to you first that I have already been made aware of this interest and I will involve myself in the further consideration. I believe these permits went out in draft form, and i will involve myself in further consideration of all the public comment and the public hearing process that might lead to the finalization of the permits.

As to the equity of the conditions of at-sea burning or burning on land, I know of only one area that might be different, might even be considered to be different, and that would be the installation of the scrubbers on the stacks with regard to the final air discharge. There may be others. I have just begun to look at this issue. This morning I honestly don't know whether the answer is to put scribbers, the same kind of scrubbers providing the same degree of treatment as on land-based incinerator emissions or whether there is some good, scientific, justifiable reason for there being a difference. Clearly, I will have to look at that issue very, very carefully, and commit to you to do so.

As to spill probability and the prevention of spills of these substances which do introduce a certain amount of fear in the general public who have not had—I don't believe they have had available to them the full information and workups for these draft permits, and we are correcting that at this time. We don't want to do anything to further deteriorate our credibility. We want to do just the opposite.

Senator BENTSEN. Let me get to that point then. Are you now assuring me that prior to the permits, that you will allow timely and adequate access to all the appropriate Agency records in the proposed permit documents?

Mr. RAVAN. We certainly will, Senator. We are going to have public hearings both in Brownsville, Tex., and Mobile, Ala., that I already know and am committed to.

Senator BENTSEN. Bill Ruckelshaus, when he was before this committee, agreed to have those hearings at my questioning, and I think they are set for November 21. And it is your intent to follow-through on that and you are assuring me of that?

Mr. RAVAN. Yes, sir, it is.

Senator BENTSEN. Now the other question. There has been a feeling on the part of some of the people in that area that there has been more accessibility provided to the proponents for these permits than there has for those that are opposing them. Can you assure me you will be evenhanded in that regard?

Mr. RAVAN. Yes, I certainly will. I know nothing about the allegation, but that is not the way I will run the office, and they will have full access.

Senator BENTSEN. Thank you very much.

I have no further questions.

Senator STAFFORD. Thank you, Senator.

Senator Symms, did you have any questions?

Senator SYMMS. No questions. I welcome our witness here this morning.

Senator STAFFORD. Mr. Ravan, for the committee, I want to thank you for your testimony, but I would like to offer a few comments before you leave.

You are the second of several newly nominated assistant administrators with direct program responsibility to come before this committee. Assuming you are confirmed, you will face some very important responsibilities, and I have been encouraged by your responses to questions this morning. But I do want to emphasize these points to you.

It should be apparent to everyone that the American people stand behind the mandate given the Environmental Protection Agency. I want to impress upon you this committee stands behind that mandate, too, and we expect, on behalf of the Nation, full and aggressive implementation of laws for which you are going to be responsible. The legal duty to make decisions that implement these laws lies with the administrator and with you. It can't be delegated, in this Senator's opinion, to the Office of Management and Budget or to anyone else. You are accountable to this committee and the American public.

The programs which you have been nominated to manage are very important ones, and important decisions will have to be made during your tenure. These decisions will, to a large degree, set the tone and direction of the programs in future years. You should look to the spirit and intent of the law, and I believe, you will, in making these decisions, as well as to its explicit requirements.

It is no secret that this committee, in the view of its chairman, was disturbed by some of the actions taken by your predecessor in office. The proposal to weaken water quality standards was contrary, we believe, to the fundamental precepts of the Clean Water Act. The proposal represented a threat to the integrityy of the act, and the committee responded with the legislative tools available to it. The committee action represents graphically our commitment to the policies expressed in law which you, if confirmed will be charged with implementing.

Lastly, I want to stress the importance of keeping this committee informed. Communication between the Agency and committee has improved greatly in recent months, to our gratification and I think to the benefit of all concerned. I trust you will counsel your staff to continue dialog with this committee. And we wish you well.

Mr. RAVAN. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, Mr. Ravan.

Senator Chafee, you are just in time.

Senator CHAFEE. Just made it.

Thank you, Mr. Chairman. I had a statement which I appreciate your permitting me to submit for the record.

Mr. Ravan, you are familiar with the southern part of the United States already, and there we are seeing the disappearance of wetlands. Do you have any views in what we ought to do to redress that situation? Or maybe we shouldn't. Maybe you are not concerned about it. I would be interested in hearing your views.

Mr. RAVAN. Thank you, Senator Chafee. I am concerned about it, and I believe a close examination of the record of my stewardship of those wetlands in the Southeast during my tenure as regional administrator would indicate that clearly, we did in fact set the pace and establish a very strong, aggressive program for the protection of wetlands, programs.

As you know, we share this responsibility with the Corps of Engineers under the direction of the Secretary of the Army. We have authority under 404 to carry out that protection, and I am ready to get on with it.

Senator CHAFEE. You are familiar with the Assistant Secretary of the Army's proposal in connection with the 404 program. Could you give me some of your thoughts on that? He has come forward with a series of proposals dealing with 404 which would make it, in his judgment, simpler to administer. I would be curious, have you had a chance to look at those? Are you at all familiar with those proposals?

Mr. RAVAN. Senator Chafee, I have not looked at those proposals in detail. However, let me quickly comment on two items.

He has the responsibility of administering the issuance of permits, and whatever he might want to do or could do to expedite the administrative procedures dealing with those permits is all well and good. However, when procedure begins to take precedent over protection, then the part of 404 having to do with the Environmental Protection Agency comes into play. And I am committing to you this morning my aggressive pursuit of that protection.

And finally, as to whether those changes would be in order or not, I believe Administrator Ruckelshaus has already determined that there are no changes necessary from our point of view at this time.

Senator CHAFEE. In the 404 program?

Mr. RAVAN. With regard to changing our EPA guidelines under 404.

Senator CHAFEE. Well, I think that is encouraging. Do you subscribe to that?

Mr. Ravan. Yes, sir.

Senator CHAFEE. I think that is encouraging, because, as you know, you and I have discussed this and I think we both share the same deep concern about the disappearance of the wetlands.

Mr. RAVAN. Yes, sir.

Senator CHAFEE. I think, and I am sorry, Mr. Chairman, that I missed the previous part here, I would hope that you—and we have said this to the other members of the Agency—would look on this committee as being a helpful committee and that you and I would be particularly working closely together in connection with these water matters. And cerainly if you have ways that you think the program can be improved in the construction grants program, or whatever it is, we would certainly hope that you would let us know. I have looked on this relationship with the Agency that our role is to be supportive and constructive. Obviously we have a duty to review what you are doing, but also we are all committed to what the Agency goal is, which is an environmental protection agency. So I would hope if you have ideas where we might be helpful legislative-wise, you would come forward and let us know.

Mr. RAVAN. Senator, I will. One of the cornerstones of my managerial experience is just that building of communicating and complete confidence in each other. As a matter of fact, if it ever got to a point where this committee, and you in particular, did not have confidence in my ability, it would be time for me to leave. I feel very comfortable with that. I admire your background, your service. And as have already indicated to the full committee, I look forward to working with you, and I am sure we will be able to.

Senator CHAFEE. Thank you very much. We are pleased you are here.

Mr. RAVAN. Thank you, Senator.

Senator CHAFEE. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, Senator Chafee, and thank you, Mr. Ravan.

Mr. RAVAN. Thank you, Mr. Chairman.

Senator STAFFORD. Now we will be very pleased to have the second nominee, Mrs. Courtney Price, come forward. And we are pleased that one of our colleagues, the very able Senator from Missouri, Jack Danforth, is here.

STATEMENT OF HON. JOHN C. DANFORTH, U.S. SENATOR FROM THE STATE OF MISSOURI

Senator DANFORTH. Mr. Chairman, thank you very much.

It is customary for Senators from the State of the nominee to present the nominee. It is Mrs. Price's misfortune that she is not a resident of the State of Missouri. She is a resident of Washington, D.C., therefore, she has no Senator to present her other than myself.

But I know Mrs. Price personally. I know her because we are both parishioners at St. Albans Church in Washington, and we both show up at Tuesday morning, as a matter of fact. So I have gotten to know Mrs. Price as an individual.

I recognize that in our Constitution religious tests of holding public office are not appropriate. But if they were appropriate, I assure the committee that she would pass them.

Mr. Chairman, I also think that it is particularly appropriate that I should have the honor of presenting Mrs. Price to the committee not only because of her personal qualities of which I am convinced from personal knowledge, but also because I don't know of any State that has a greater stake in the vigorous enforcement of environmental laws than the State of Missouri. We have had some very serious problems especially in recent times, and that is the position to which Mrs. Price has been nominated. Therefore, I am privileged to present her to the committee and to recommend her confirmation.

Senator STAFFORD. Thank you very much, Senator Danforth. We appreciate the presentation, and we are very pleased you have come to do it and you carry weight with us. We can also appreciate that you may have other pressing commitments this morning, and if that is true, we will understand your need to be excused.

Senator DANFORTH. Thank you, Mr. Chairman.

Senator STAFFORD. Mrs. Price, we would be glad to hear your statement either as presented to us or summarized, whichever way you wish.

STATEMENT OF COURTNEY PRICE, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE MONITORING, ENVIRONMENTAL PROTECTION AGENCY

Mrs. PRICE. Senator, since it will go in the record, I won't go over it again.

Let me just summarize my philosophy. My statement speaks to my background and what I have been doing professionally for the last few years.

As regards this job, I think there is no mission that is more important than protecting the environment of this small, vulnerable planet. As for going about my part of that mission, although I realize I must do it sensitive to the notion of fair play, common sense, and most of all due process, I am committed to going about it enthusiastically, vigorously, and effectively. I am aware that I will be held accountable and will, therefore, go about the business of enforcing environmental laws pursuant to the principles that I have just mentioned.

And now I would be happy to take any questions you have.

Senator STAFFORD. Do you, Mrs. Price, agree to appear before any committee of the Senate or House which asked you to testify?

Mrs. PRICE. Yes.

Senator STAFFORD. Do you know of or have any financial interest or other connection which might put you in a conflict of interest situation?

Mrs. PRICE. No. The only financial interest that I have has been disclosed. I have recused myself from several matters because of my husband's law practice. That practice is in a state of flux at the moment, and I anticipate submitting a new recusal statement. I just wish I had more to disclose. I hope no one wept as they read my financial disclosure form.

Senator STAFFORD. If you are confirmed, Mrs. Price, what do you see as your most important initial task?

Mrs. PRICE. Well, an overall objective is to help achieve compliance with environmental laws and regulations to the greatest extent possible; to do this by vigorously and carefully carrying out my line responsibility in the area of judicial enforcement and my staff and line responsibility in the area of compliance and monitoring.

As you know, I have been nominated to be Assistant Administrator for Enforcement and Compliance Monitoring. That is an additional area of responsibility which my office has been given. So enforcement based upon that sort of dual approach, dual responsibility, is what I will be about.

I would like to talk a little more about my specific goals. One will be to establish and maintain an effective system to evaluate the effectiveness of the Agency's compliance enforcement programs as measured against established and articulated performance standards. An immediate goal is to establish a system for tracking compliance with consent decrees. It is something we have not had and it is an area we need to track carefully.

One of the other things in terms of my immediate specific goals is to more clearly define the relationship between the roles of EPA and the States in carrying out our specific enforcement compliance mission. Another big part of what I will be doing is issuing policies and guidance that is designed to promote fair but firm and uniform enforcement.

Senator STAFFORD. Do you think that the current separation of EPA legal and technical enforcement staffs is consistent with an optimally effective enforcement program?

Mrs. PRICE. I do. There has been a lot of discussion within and without the agency on whether or not the legal personnel and the technical compliance personnel should be reunited in the Office of Enforcement, as it was prior to 1981. There are certainly a number of arguments to be made that that was an effective way to do it. I think that the way that we are presently organized, however, with my office having in addition to the line judicial and enforcement responsibilities also the authority for compliance monitoring, will make us an effective unit and one which can improve the state of compliance.

Senator STAFFORD. My final question. The record suggests that you are relatively inexperienced in the field of environmental law.

Do you anticipate that this will be any handicap in your new position enforcing environmental laws?

Mrs. **Price**. No, sir, I do not. It is true that prior to last March I did not have substantive environmental law experience. But I have had considerable legal experience. I think those developed skills are transferable and valuable. With the help of a superb senior staff, getting involved in substantive environmental law in the last 6 months has been challenging but not overwhelming, and I do not anticipate that being a problem. I think I also bring to the job a certain amount of judgment, and with the help of my staff I do not see that as a problem.

Senator **Stafford**. Thank you very much.

Senator Chafee?

Mrs. **Price**. Thank you. Mr. Chairman.

Senator **Chafee**. Thank you, Mr. Chairman.

Mrs. Price, in connection with your duties in enforcement, do you think you are going to be able to collect some moneys from the dumpers to repay into the Superfund?

Mrs. **Price**. Yes, I think we are. The strategy, the compliance strategy, for the next year in terms of Superfund is to bring a number of cost recovery actions. So I think we will be bringing those actions. And one of my jobs will be to see that the quality of the cases brought to recover money are of high quality and that we can prevail. I do anticipate that we will be doing that. We can and will.

Senator **Chafee**. Could you give me your views on litigation versus settlement? As I understand it, the Justice Department, of course, are the people that do the litigation, aren't they? But they would work with you in connection with the settlement matter, wouldn't they?

Mrs. **Price**. Well, yes, the Department of Justice lawyers are the ones that actually appear in court.

In terms of litigation versus settlement, clearly, litigation is a resource-intensive procedure, and to the extent that timely, favorable settlements can be reached with noncomplying entities, then I think it probably is preferable that we do that. However, I think timeliness is an important part of it, and we can't be in the position of negotiating endlessly. I am looking very carefully at setting time limits where appropriate on negotiations.

I will also say in terms of litigation versus settlement, while I do not necessarily believe in a confrontational approach, the Government in the instance of dealing with a noncomplying entity or violating entity is of necessity in an adversarial position. And both by my professional activity and those who live with me might say by personality, I feel very comfortable in an adversarial setting. So I do not have any problem with the notion of litigating and, as I said, the Government being a respected and a firm adversary.

Senator **Chafee**. Don't you think sometimes it takes more courage for a public official to settle a case than it does to litigate it? Never mind, the pressures are on EPA to litigate because of what has taken place over the past year and a half. I think you always obviously want to have the club of litigation back of the door, but I think in many of these cases the wise way of handling them, I would suspect, is indeed to settle. It is faster, it achieves the goals.

And if the goals indeed can be achieved, what I would hope is that you wouldn't be afraid to settle.

Mrs. **Price**. No, Senator, not at all. And, as a matter of fact, we already have come out with a draft settlement policy for some of the hazardous waste cases. No, I do not have any hesitancy in terms of settling. I said initially, if it can be done in an expeditious manner and in terms favorable to the Government and to the public, then it is much less resource-intensive and much more expeditious.

Senator **Chafee**. I don't have any other question, Mr. Chairman. I am glad Mrs. Price is here.

Mrs. **Price**. Thank you.

Senator **Stafford**. Thank you, Senator Chafee, and thank you, Mrs. Price. As we did with your predecessor nominee, we wish you luck and urge your close cooperation with this committee and its staff.

Mrs. **Price**. Thank you very much, Mr. Chairman.

Senator **Stafford**. The committee stands adjourned.

[Whereupon, at 11:30 a.m., the committee recessed, to reconvene subject to call of the Chair.]

[Material submitted for the record follows:]

STATEMENT OF JACK E. RAVAN
FOR CONFIRMATION
AS ASSISTANT ADMINISTRATOR FOR WATER
OF THE
U. S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
U. S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
OCTOBER 20, 1983

Mr. Chairman and distinguished members of this Committee, thank you for this opportunity to appear before you this morning. Over the past few weeks I have been given a renewed awareness of the gravity of your review of candidates for responsible positions of leadership at the U. S. Environmental Protection Agency. Also, my personal appreciation for the tireless dedication with which each member of the Committee serves the natural environment of our nation has been deepened and I respect you for this service.

The staff of this Committee has been most gracious toward me while at the same time thorough in the exchange of views toward my anticipated duties. I very much desire the full confidence of this Committee and if confirmed will work toward developing a strong bond of communication and cooperation as I carry out the duties of Assistant Administrator for Water Programs. I am grateful for the expression of confidence in my ability as President Reagan has sent to you my nomination, with the full support of Administrator Ruckelshaus with whom I served in the early, formative years of the agency as Regional Administrator for Region IV in Atlanta, Georgia.

May I take this opportunity to publicly thank my wife, Roberta, who is here with me today, for her support and long-suffering as the wife of one who has dedicated most of his professional career to public service in both the military and civilian departments of our government. We are parents of three children who have also supported their dad as he has been absent many evenings in the call of duty. With over 20 years of service in the public sector, I come before you today after serving more recently in the private sector for some four years. With this additional experience my perspective of the Agency has changed somewhat, while my appreciation of the Agency's goals and tasks as assigned by the Congress is greatly increased. Since you will want to know something of Jack Ravan and his philosophical bent, let me comment and welcome your further questions.

My faith is in the triune Godhead who has richly blessed our nation with an abundance of natural resources, which we perhaps took for granted in our "Westward Ho", free American spirit of adventure.

My sense of duty is to my country and was well established even before entering the U.S. Military Academy in 1955.
If you allow me to take up the responsibilities of Assistant Administrator for Water Programs, I commit to you my faithfulness in carrying out the mandates of legislation as passed and signed by the President. My commitment is to assist in the clean up,

protection, and making safe for consumption, waters of the United States. I feel very strongly about this assignment and consider the goals of the water legislation critical to the well being of our nation.

Although the programs implementing these statutes are relatively mature, the next few years will be filled with significant and challenging issues which the Office of Water Programs will have a role in addressing. These include: the reauthorization of the Clean Water Act, the Safe Drinking Water Act, and the Ocean Dumping Act; the timely completion of effluent guidelines and the issuance of implementing permits; the development, and implementation of a post-BAT program, including biological monitoring, and the further control of toxic pollutants; the implementation of the pretreatment program; the development of a national ground water protection policy and strategy; a study of the future of the construction grants program; and a re-examination of the State-Federal partnership in implementing the statues.

You have been provided a more detailed description of my experience and training, which I believe, prepare me for this assignment. In execution of the Agency's goals and missions, I realize that we will continue to operate under full scrutiny of a diverse American public, somewhat akin to operating within a fishbowl. I welcome this public scrutiny and opportunities to involve not only the concerned environmental public but as much as of the greater American public as will desire to participate in this continuing debate. There can be no substitute for building a strong confidence in the EPA by an American populace which has stated time and again that they are desirous of having a clean and healthy natural environment for this and future generations. My intention is to assist Bill Ruckelshaus in building that confidence and carrying out the duties of this Office in a manner which is not only satisfactory but will build your confidence in the leadership of the Agency. My attempt will be to speak with candor to the members of this Committee. I commmit to appear before you as you may request from time to time and to carry on a continuing dialogue with the staffs of the Committee.

Let me conclude by emphasizing to you that I have been judicious in my participation within the Agency prior to this confirmation hearing. I have deliberately withheld my presence inside the Agency, feeling that since I was coming from the private sector this was the most circumspect conduct prior to confirmation. I have not participated in any policy decisions or regulatory actions. I have attended one budget hearing at the request of the Agency and the Office of Management and Budget.

While I am generally familiar with applicable laws, I have received limited briefings from the very capable staff within the Water Programs Office. Should you recommend confirmation by the full Senate, I will proceed immmediately to gain an indepth understanding of the current issues and commit to you a full communication as I begin to recommend decisions to Administrator Ruckelshaus.

Again, let me thank you on behalf of my family and I for this opportunity this morning.

JACK E. RAVAN

Age: 46

Health: Excellent

Wife: Roberta Ellen Smith Ravan

Children: 3 = Jacquelyn Valerie Ravan Andrews

Melanie Dawn Ravan

Jack Edward (Eddie) Ravan, Jr.

Notable Qualifications

- 25 years proven ability to motivate and lead diverse groups of professionals

- First-hand experience at the state, regional, and national levels with decision-making processes guiding implementation and development of policy and programs within energy, economics and environment

- 7 year direct participation in the management of multi-billion dollar processes of multiple Federal Agencies directly influencing the quality of life in a region

- Extensive experience with the private sector - governmental interface leading to major decisions influencing development

- Direct participator experience in Washington with the Congressional Committee System

- Committed to a philosophy that Americans can enjoy a quality of life brought on by a proper balancing of energy, environment and economics.

Highlights - Background and Experience

- Extensive Leadership in the Planning, Programming, Implementation and Control of Regional Development (Economic, Energy and Environmental) in the Southeast (1969-present)

- Regional Administrator of the U.S. Environmental Protection Agency's Eight State Southeastern Region (1971-1977)

- Appointed by the National Administrator of the Environmental Protection Agency to Present "A Concept for Regional Implementation of Environmental Laws" at the NATO Conference on the Challenges of a Modern Society (1974)

- Director, Department of Energy, State of Alabama and Member of Governor James' Cabinet
- Leader of Industry-seeking and trade missions to Japan and Republic of South Korea
- Administrative Assistant to U.S. Senator Strom Thurmond (1969-1970)
- Director, Division of Program Services, South Carolina State Committee for Technical Education (1968-1969)
- "Outstanding Young Men of America" (1971)
- Graduate United States Military Academy - Top 15% of Class in Leadership (1959)
- "Outstanding Leadership Award" (1976 - Atlanta Combined Federal Campaign)

Chronology of Positions

December 1982 - Present:	Vice-President, Project Development - Signal Clean Water Corporation, Atlanta, GA
October 1980 - October 1982:	Director Alabama Department of Energy
July 1977 - September 1980:	Executive Management Committee, and Director - Business Development, Jordan, Jones & Goudling, Atlanta, GA
October 1971 - June 1977:	Regional Administrator, Southeastern Region, U. S. Environmental Protection Agency

Under general administrative direction and broad policy guidance from the National Administrator, this position required the operational and administrative leadership necessary for the implementation in the eight Southeastern States of complex and far-reaching environmental legislation. Implementation of the legislation involved contract authority for approximately two billion dollars for construction of wastewater treatment plants, management of 475 personnel in the regional office, administration of $10 - 12 million annual budget and the ability to achieve agreements between the top leadership of industry and state and local governments on issues of great economic, social and environmental sensitivity.

June 1973 - June 1977: Chairman, Southeastern Federal Regional Council

By Presidential appointment and concurrently with the above position, served as the Chairman of this Council charged with the improved delivery of federal grants programs and the elimination of unnecessary red-tape associated with federal grant, regulatory and technical assistance programs. The Council is composed of the regional directors and administrators of the ten major grant and regulatory agencies. The leadership of it required extensive work at all levels of State and local government and with the Office of Management and Budget and the Under Secretaries Group in Washington. It provided a dramatic opportunity to gain extensive insight into the dynamics and problems of planned and unplanned regional development.

December 1972 - June 1977: Served by Presidential appointment as member, Ohio River Basin Commission

April 1970 - September 1971: Special Assistant to the Federal Co-Chairman, Coastal Plains Regional Commission

Working closely with industry, state and Federal Agencies and elected officials, and others, advised the Federal Co-Chairman on complex and sensitive aspects of regional development. The Commission was charged with responsibility in Georgia and the Carolinas for initiation and coordination of long-range overall economic development programs and the identification of optimum boundaries for multistate economic development.

April 1969 - March 1970: Administrative Assistant to Senator Strom Thurmond

Directly responsible to the Senator for coordination of his legislative program and for service to his constituents which reached every department of Government at all levels. Exercised total management responsibility for a staff of 19 lawyers, economists, and other professionals.

July 1968 - June 1968: Technical Manager, National Aeronautics and Space Administration

Responsible for the analysis resulting in recommendations to the Chief, Technical Support Operations Branch (Unmanned Launch Operations Directorate) for programs in communications, fuels and gases, documentation, and management of contractor personnel.

- June 1959 - March 1967: Commissioned Officer, United States Army

  Promoted from Second Lieutenant to Captain while serving in various staff and troop command assignments in Vietnam, Germany, and the United States. Assignments included leadership of 225 officers and men in combat in Vietnam (helicopter unit), Assistant Director of Academics at the U.S. Army Signal School at Fort Monmouth, Intelligence Officer for the 82nd Airborn Division's Aviation Battalion and Company Commander of a Combat Area Signal Company in Germany. Graduate of the U.S. Army Parachute, Aviation and Ranger schools.

Family

- o Married Roberta Ellen Smith of Liberty, South Carolina, on March 12, 1960

- o Wife, Valedictorian of The Women's College and Magna Cum Laude Graduate of Furman University (1960)

- o Daughter, Jacquelyn Valerie Ravan Andrews, age 22, Top Chemistry Graduate Vanderbilt University, May 1982. Potter Scholar to Vanderbilt Medical School, September 1982. Continues study at Vanderbilt

- o Daughter, Melanie Dawn Ravan, age 20, Sophomore, Harding University, Searcy, Arkansas

- o Son, Jack Edward Ravan, Jr., age 18, Senior, Mount Vernon Christian School, Atlanta, Georgia. Track & Cross Country

United States of America
Office of Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Jack E. Ravan, who has been nominated by President Reagan for the position of Assistant Administrator, Water Programs.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Ravan is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H Martin

David H. Martin
Director

Enclosure

September 13, 1983

MEMORANDUM

SUBJECT: Recusal

FROM: Jack E. Ravan Jack E. Ravan
Assistant Administrator for Water - Designate

TO: Gerald H. Yamada
Deputy General Counsel
Designated Agency Ethics Official

To avoid actual or apparent conflict of interest, I intend to dispose of my Alabama Power Company bonds worth between $1,000 and $5,000. In the meantime, I will refrain from participation in any EPA matter involving the Alabama Power Company as a party and from any rulemaking or policy matter distinctively affecting the electric utilities industry.

I will also refrain from participation in any EPA matter involving my former employer, Wheelabrator-Frye, Inc. (now Signal Corporation) as a party.

I propose to distribute copies of this memorandum to Office Directors and my staff assistants in the EPA Office of Water, and I will delegate final authority to a member of my staff to deal with any matter covered by this recusal.

FINANCIAL DISCLOSURE REPORT

JC

Reporting Status *(Check Appropriate Box)* ☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Report	**NOTE** All schedules must be filed. Enter "None" in areas or across schedules where appropriate.	**Agency Use Only** Date of Filing (Month, Day, Year)	**OGE Use Only** SEP 14 1983
Reporting Individual's Name	Last Name Ravan	First Name and Middle Initial Jack E.	
Position for Which Filing	Title of Position Assistant Administrator, Water Programs	Department or Agency *(If Applicable)* Environmental Protection Agency	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.) / Termination Date *(If Applicable)* (Month, Day, Year)
Location of Present Office	Address *(Number, Street, City, State and Zip Code)* 30 Perimeter Park, Atlanta, Georgia 30341	Room Number 2nd Floor	Telephone No. *(Include Area Code)* (404) 458-8111
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination Environment and Public Works	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held None		
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief	Signature of Reporting Individual Jack E. Ravan	Date (Month, Day, Year) September 1, 1983	
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Gerald H. Yamada	Date (Month, Day, Year) Sept 14, 83	
Office of Government Ethics Use Only	Signature David H Martin by CRS	Date (Month, Day, Year) 9/27/83	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

See attached recusal dated 9/13/83

(Check box if comments are continued on the reverse side)

7/80 Edition of SF 278 Is Usable

278-107

NSN 7540

D 9/13/83

[illegible]
(Rev. [illegible])

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? Yes ☐ No ☐ or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility, 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them; and 4. You do not have knowledge as to the composition of such interest or liabilities.		

Page Number ▶	2	Schedule **A**
Reporting Individual's Name	Ravan, Jack E.	
Agency Use Only		
Date of Filing (Month, Day, Year)		

Spouse (S) or Dependent Child (DC)	Identification	Income: Type of Income (✓): Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	Category of Amount or Value (✓): None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other Specified"	Date (Mo., Day, Yr.) Only if Honoraria	Interests in Property: Valuation of Assets (✓): Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Wheelabrator-Frye, Inc. Atlanta,							Salary									$45,000	(12/82 thru 8/83)							
	Georgia Office (now part of Signal Companies, Inc., La Jolla, CA)																								
	*(Note: Have contractural agreement with Wheelabrator-Fryer for fixed bonus of $12,000 for 12-month period beginning December, 1982. Will receive appropriate pro-rata portion of this bonus on leaving employment.)																								
	State of Alabama, Department of Energy							Salary									$55,670	(1/82 thru 11/82)							
	Government National Mortgage Association Bonds			x							x								H		x				
	Alabama Power Company Bonds (Birmingham, Alabama)			x						x									H	x					
	Bartow County (GA) Industrial Development Bonds			x							x								H			x			
	Clayton County (GA) Industrial Development Bonds			x						x									H		x				
	Savings Account with Georgia Federal Savings & Loan, Atlanta, GA			x							x								H			x			
S	IRA through Georgia Federal Savings & Loan, Atlanta, GA			x					(None currently withdrawable)										H	x					

[redacted] [redacted]

SF 278 - Financial Disclosure Report
(Rev 6/81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number ► 3	Schedule **B**
Reporting Individual's Name Ravan, Jack E.	
Agency Use Only	
Date of Filing *(Month, Day, Year)*	

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date *(Month, Day, Year)*		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Not Applicable											

[redacted]

Page Number ▶ 4	Schedule C
Reporting Individual's Name Ravan, Jack E.	
Agency Use Only	
Date of Filing (Month, Day, Year)	

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

I Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

$ or X	Source (Name and Address)	Brief Description	Value
	Not Applicable		

II—All Other Gifts—*List each source totaling $100 or more in value*

$ or X	Source (Name and Address)	Brief Description	Value
	Not Applicable		

III Reimbursements—*List each source totaling $250 or more in value*

$	Source (Name and Address)	Brief Description	Value
	Not Applicable		

[redacted] [redacted]

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Ravan, Jack E.

Page Number 2— 5

Schedule D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	None						

Category of Amount or Value (✓)

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Wheelabrator-Frye, Inc., Atlanta, Georgia	High technology engineering and construction firm	Vice President for Project Development	12/82	Present
State of Alabama, Department of Energy	State Government	Director, State Dept. of Energy	8/80	11/82
University of Alabama, Tuscaloosa, Alabama	State University	Consultant*	4/83	7/83
		*(No services actually ~~required or performed~~)		

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
Wheelabrator-Frye, Inc., Atlanta, Georgia	Vice President for Project Development
State of Alabama, Department of Energy	Director, State Department of Energy

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

WRITTEN QUESTIONS FOR MR. RAVAN

Senator Stafford

QUESTION: Do you agree to appear before any Committee of the Senate or House of Representatives which asks you to testify?

RESPONSE: Yes.

QUESTION: Do you have any financial or other interests which may put you in a conflict-of-interest situation?

RESPONSE: To avoid actual or apparent conflict of interest, I will dispose of my Alabama Power Company bonds, and, in the meantime, I will refrain from participation in any EPA matter involving the Alabama Power Company as a party and from any matter distinctly affecting the electric utilities industry.

I will also refrain from participation in any EPA matter involving my former employer, Wheelabrator-Frye, Inc. (now Signal Corporation), as a party.

I will delegate final authority to a member of my staff to deal with any matter convered by this recusal. I provided the Agency Ethics Official with a written recusal on these two areas September 13, 1983. I have no other interests which could create a conflict-of-interest situation.

QUESTION: It has been 11 years since Congress enacted the Federal Water Pollution Control Act Amendments, with its ambitious programs and compliance deadlines for water quality improvement. Most available reports indicate that, as a Nation, we have made some progress towards the goals of the Act, especially concerning conventional pollutants. But, considering increased population growth and industrial activity during that period, we probably have lost ground on controlling toxics. Overall, we seem to be just about holding our own in the total water quality program, with improvements in some areas and few improvements elsewhere. Is this an accurate perception of where we are today? Do you have any comments on the state of our water quality improvement efforts?

How can we obtain better information on the status of progress towards water quality goals?

RESPONSE: With regard to conventional pollutants, I agree that the Nation has made considerable progress in controlling municipal and industrial sources.

The most recent information from the States indicates that water quality is improving in many States and that the majority of the Nation's waters meet the interim goal of the Clean Water Act. Despite this progress, however, point and nonpoint sources of pollution, as well as other factors such as variation in stream flow, continue to limit water uses in many areas of the country. Also, the gains we have made require continual vigilance to assure that the pollution control facilities in place are operated, maintained and replaced as needed.

These results are consistent with the recently completed Aquatic Life Survey. This survey, a statistically designed assessment of biological conditions in the Nation's waters, showed that 67 percent of the waters have at least a minimum ability to support a sport fish community, and 91 percent have maintained the same quality of their fisheries over the past five years.

I do not believe sufficient information is available to say whether or not we have lost ground on controlling toxics. It has become clear that more information is needed about toxic pollutants. Over the past five years, EPA has performed an intensive review of available information and has conducted some sampling of waterways and effluents to better understand the toxicity, production and use, environmental fate and effects, and potential for human exposure to pollutants in U.S. waters. The results show that in many cases, well-operated and maintained biological and physical/chemical waste treatment systems can effectively control the discharge of these pollutants. Studies of industrial wastewater samples show that, although the current BPT discharge limits and existing BPT permits were aimed at controlling conventional pollutants, they are at the same time controlling toxic organics and heavy metals to a significant degree. Also, levels of toxic substances appear to be declining in some State waters due to pesticide bans and point source controls. However, even with these controls there continue to be localized human health and aquatic life problems from some of these pollutants.

As the next round of NPDES permits go into place, requiring installation of best available technology, we will achieve substantial reduction of toxic effluents and should see water quality improvements as a result.

The Agency is continuing its efforts to obtain better information on the status of progress towards water quality goals through a concerted effort with the States. The Agency and States are also placing a greater emphasis on the uses of Section 305(b) reports for management purposes. The Agency will also be working with the States to develop improved monitoring programs for both national assessments and control decisions.

QUESTION: Mr. Ravan, you were previously associated with EPA, serving as Region IV Administrator during the early 1970's. How do you think the water quality program is different today than it was at that time. How is it similar? How are the roles of the Federal, State, and local governments, and the private sector different today?

RESPONSE: Water programs now implemented by EPA and the States are more complex and broader in scope than in the early 1970's. While the key elements of the water program -- water quality standards, permits, and enforcement -- are basically unchanged, the program now addresses a wider range of pollutants and involves more complex scientific and technical analysis. For example, EPA is working with States to improve controls over toxic pollutants. Also, the various institutions which manage and implement water programs have grown larger and now provide a wider range of services.

Congress made major changes to the Clean Water Act in 1977 which have increased the efficiency and effectiveness of programs under that statute. For example, EPA is now implementing the construction grants program through a network of State-delegated functions. The BAT effluent guidelines were focused on toxic pollutants and permits based on these guidelines are beginning to go into place. Under the Safe Drinking Water Act, the Agency recently put in place a program to control underground injection wells and is developing standards for additional drinking water contaminants. Also, the Agency is moving to further develop and coordinate a range of marine programs authorized under the Marine Protection, Research, and Sanctuaries Act and other statutes.

In addition, enactment of statutes concerning waste management and disposal, such as the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act, broaden the scope of protection of surface and groundwaters and raise technical and institutional issues not faced in the early 1970's.

The basic structure of Federal - State relations has not changed significantly over the past decade. However, the resources and capabilities of State agencies have improved and, in response to this improvement, EPA delegated a substantial number of water programs to States. While States have been successful in implementing these programs, costs of operating more complex programs will continue to rise and EPA and States will need to work together to direct available resources to priority activities. Finally, the private sector has made increasingly important contributions to water pollution control through participation in regulation development and design of technology and management systems to achieve compliance with water quality standards.

QUESTION: I understand that EPA has not yet issued a rule containing the new definition of secondary treatment. Do you know why this has not occurred, and what steps will you take to get the revision out?

RESPONSE: The Agency has developed a proposed rule for implementation of the 1981 Amendments to the Clean Water Act which will be published in November, 1983. A final rule is expected in Spring/Summer 1984. I did not participate in the development of this proposal, but I understand that the number of facilities affected and the issue over the degree of State flexibility to set alternate control levels were major factors which required extensive coordination with outside groups.

QUESTION: What additional steps do you recommend to assist small communities in meeting the Act's requirements?

RESPONSE: EPA has undertaken several initiatives to encourage small communities to select more appropriate technological alternatives and to show States and communities how to evaluate their capability to finance and manage wastewater treatment systems. These initiatives include developing a foldout on the importance of selecting the appropriate treatment technology, disseminating guidebooks and booklets on how to assess local financial capability, and conducting workshops and conferences to help States and local governments, especially small communities.

Since small communities generally have higher per capita wastewater treatment costs and limited funding capability, it is critical that they select appropriate wastewater treatment alternatives that are low cost and simple to operate. In our guidance, we encourage small communities to to rehabilitate existing facilities, where they can, and to develop facility plans that evaluate the use of innovative/alternative technology, including cluster systems, small diameter sewers, and land treatment. One of my first priorities will be to assess whether our ongoing efforts to assist small communities are adequate, or whether a more aggressive program to get the word out to these communities on alternatives is needed.

In addition to our work at EPA, we are encouraging the States to establish technical and financial assistance programs to assist small communities. Several States (Utah, Maine, and West Virginia) have developed State bond banks, grant programs, and loan and credit enhancement programs. Other States (Minnesota, Illinois, and California) are providing technical assistance to small communities to encourage the selection of low cost technologies.

Finally, in implementing the municipal compliance policy, EPA and the States will be helping small communities, as they put together their plans to meet the enforceable requirements, to analyze their financial capability and options for financing treatment alternatives. This assistance will help both Federally-funded and unfunded communities.

QUESTION: What will be your strategy for enforcing compliance by small communities that have not achieved secondary treatment by July 1, 1988, as required by the Act?

RESPONSE: EPA's current strategy for achieving compliance calls for all communities to be on enforceable schedules by 1985, and to achieve compliance no later than 1988 (if they cannot do so earlier). In implementing this strategy, EPA and the States will focus on POTWs that have received Federal contruction grant funds, other major municipal sources, and minor municipal sources causing significant water pollution problems.

EPA has an active program of assistance for small communities that encourages the use of low cost technologies. EPA will encourage the use of alternative sources of funding where communities will not receive Federal funding. Any communities that cannot meet statutory requirements by 1988, will be placed on enforceable schedules for achieving compliance in the shortest reasonable period of time thereafter, and will be required to do all they can in the meantime to abate pollution to the Nation's waters.

QUESTION: What is your view of the 4% set-aside for rural areas contained in Section 205(h) of the Act?

RESPONSE: I fully support the provision in the Act which requires that rural States set aside 4% of their allotment for wastewater treatment alternatives in rural areas. This provision encourages the construction of low cost, simple alternative wastewater systems in small communities and ensures that some construction grant funds are allocated to solving small community wastewater problems.

QUESTION: Over the last three years, EPA has greatly reduced its industrial wastewater research program and ended research on individual chemicals. In the latter case, I believe that the rationale is that the Agency's effluent limitations activities are nearly completed and that the chemical-by-chemical approach to regulation will be replaced by a water quality-based approach. What are your views on the current and future direction of the water research programs, particularly as those programs relate to the regulatory needs of the Office of Water?

RESPONSE: To meet its regulatory needs, the Office of Water must obtain reliable scientific information on the environmental effects of pollutants discharged into water. While new approaches, such as the concept of the whole effluent as a toxicant, are being developed and validated, the Agency is continuing a research program to develop methods for translating lab-derived criteria into site specific criteria. In addition, new initiatives are now underway in the development of sediment criteria, sludge criteria, and aquatic life protection criteria for marine systems. These new activities follow the regulatory program needs of the Office of Water as I understand them. In addition, the development of site specific protocols will allow States to adopt toxic water quality standards.

The long term future research in water programs should be free of day-to-day regulatory needs. Our regulatory needs should be one input to direct that effort.

QUESTION: In the area of technology, what, in your opinion, should be the emphasis of EPA's water research in the future -- should it be on developing new technologies or on refining existing technologies?

RESPONSE: The emphasis of EPA's water research in the future should be on developing improved qualitative and quantitative analytical methods to detect and measure the presence of trace amounts of toxic chemicals in water and innovative treatment technologies to remove these toxic chemicals from water.

The Agency has thus far addressed the detection, analysis, and removal of 129 toxic chemicals from water; an effort that pales in significance when compared with the 70,000 man-made substances listed by the National Research Council to which people are regularly exposed and which often find their way into surface and groundwater. Johns Hopkins University Professor-Emeritus Abel Wolman, dean of sanitary engineers, concluded from the unpublished results of his study for the National Science Foundation that: "We are dealing with an extremely complex universe of ill-defined impacts of organics upon man . . . disconcerting findings, indicative of long-term genetic effects, appear from day to day."

Research on innovative wastewater treatment technologies must be pursued, not only for removing as yet unidentified trace amounts of toxic chemicals from water for national health reasons, but also for the purposes of reducing the cost of removing these toxic chemicals from wastewater and conserving national resources. Example of the above include: conservation; recycle/ reuse industrial wastewater treatment technologies demonstrating potentials for conserving industrial water supplies; and reclaiming scarce, high-value raw materials used in manufacturing processes.

Developing new technologies should have higher priority. Refinements of existing technologies will receive greater inputs from applications in the field and user laboratories at the State level, with some participation by some private entrepreneurs.

QUESTION: Should there be a continued role for exploratory research to identify and lay the groundwork for likely future water quality technologies?

RESPONSE: There should be a continued, if not increased, role for exploratory research to identify and lay the groundwork for future water quality technologies. The past few years have seen increased emphasis on applied research and development into both conventional technologies as well as new and advanced technologies, but the fact remains that most of the technologies in use today are basically improvements on technologies that have been around for fifty years or more. Exploratory research is needed to advance the frontiers of scientific knowledge for future applied research on water quality technologies.

I strongly support a renewed and intense effort of research for EPA.

__QUESTION__: It is difficult for Congress to know what direction the water quality program should go in the future if good baseline and current information is not available on the status of water quality nationwide. In that context, the quality of water monitoring is a continuing concern to this Committee, and one that we hope will be a priority concern of yours at EPA. Could you outline steps that you will take to examine the issue of monitoring and achieve better coordination of monitoring activities among Federal agencies, Federal and State agencies, and with the private sector? What, in your opinion, should be the purpose of monitoring -- to develop regulatory programs? to carry out long-term forecasting? to identify trends? or, some other?

__RESPONSE__: I agree that the Agency needs to improve its ability to assess water quality nationwide. I also believe that there is a need to improve monitoring information available for making control decisions, such as setting standards, developing discharge limitations, and determining compliance. The purpose of monitoring is to support both areas -- national assessments and control decisions. I expect to give close attention to these concerns within the Office of Water.

With regard to national assessments, EPA is working with the States to improve the ways States convey their knowledge of water quality to EPA. Since 1972, most States have greatly improved their water quality analysis capabilities. However, the results have not been readily useable in preparing national assessments. EPA is currently working with the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) on a joint project to develop uniform reporting procedures. I am optimistic that this effort and others now underway along these lines will result in better use of existing data. The Agency will also be developing recommendations for longer-term improvements in monitoring programs as part of the Deputy Administrator's Task Force on Monitoring, and I will be participating in this effort. The Office of Water will develop a program strategy for water monitoring by next spring.

With regard to control decisions, it is becoming increasingly important to have valid reliable water monitoring data. For instance, as technology-based controls are implemented, State water pollution control programs are shifting their emphasis toward water quality based controls, and toward more systematic analysis and control of toxic pollutant problems, especially toxic problems remaining after technology-based controls are implemented. The Agency recognizes that States will need to improve their capabilities for dealing with toxic pollutants. This need will be addressed in the program strategy for monitoring I mentioned earlier. The Agency is also taking several steps immediately to help strengthen State and EPA capabilities:

- It will soon issue a policy which encourages the use of biomonitoring and screening techniques as part of an integrated approach to developing water quality-based effluent limitations for toxic pollutants. This policy will rely on integrated monitoring by the States, and EPA in some cases, and affected dischargers, under a jointly developed plan.
- It is developing key technical guidance for those steps in the standards-to-permits process where the need for improved analytical tools is critical.

The water monitoring needs far transcend the ability of one agency or group, so I believe we are going to have to continue to operate in a mode where various Federal agencies, the States, local agencies and dischargers are all performing water monitoring functions. In addition to chemical monitoring, as we shift into an emphasis on characterizing water in terms of the aquatic organisms that are present, we need to tap the large body of information in Federal and State fish and wildlife agencies.

Should my assessment of these activities indicate the need, I will ask the Congress to provide legislative guidance, especially to those Federal agencies which control resources for monitoring.

QUESTION: Do you support continued funding of State program grants under section 106 of the Clean Water Act as important to carrying out the FederalState partnership in the water quality area? What level of funding is appropriate for these grants?

The Committee has heard the contention that the water quality program is "mature" and well-established, especially in relation to other environmental programs like hazardous waste, and that continued Federal funding of States is no longer needed. Yet we are aware that State water quality programs today have more responsibilities than they did even 5 years ago, including in the toxics area. Based on your experience of working closely with States in Region IV, would you agree that these and other responsibilities, such as increased delegation and permit issuance, argue for Federal support at least equal to amounts currently available, if not higher?

RESPONSE: Yes, I agree that continued Section 106 funding is important. However, the annual amount of 106 grants must be determined in relation to many competing demands for Federal grant assistance. Most States have accepted substantial responsibility for administering the NPDES permits and enforcement program. The States are being asked to accept additional responsibilities under the Clean Water Act and other environmental legislation, and support for all such programs is important.

Within Water Programs, Sections 106, 205(g) and 205(j) funds are managed in a coordinated way to support national priority activities by the States, including toxics control. I believe current funding levels under the Clean Water Act will be sufficient to support priority State water pollution control activities, for this and next fiscal year, after which we must reassess with the states.

QUESTION: Do you see any danger that these funds may be stretched too thin, and how will you ensure that they are focused as Congress intended, on water quality management planning?

RESPONSE: Yes, Section 205(j) funds can be stretched too thin if attention is not paid to priorities. Under 205(j), as currently written, a wide range of activities is eligible for funding. There is some overlap in Sections 106 and 205(j) eligibilities, especially in water quality standards and monitoring. Standards revisions and problem assessments are both part of water quality management planning work, and so, many such activities have been funded with 205(j) grants. Nonpoint source and ground water problem assessment and program development work has been funded where it had high State and/or local priority.

To ensure that 205(j) funding produces environmental results, EPA has encouraged the States to focus their water quality planning on priority stream segments, and has ensured that work plans are developed jointly with areawide and local agencies. Thirty States are contracting with areawide and local agencies to conduct all or part of planning on priority stream segments. We expect a total of 81 areawide and 7 local agencies to receive funds under 1982/83 grants award. A review of 205(j) work programs has not indicated that any activities funded in 1982/83 were ineligible. Through the Agency's annual program guidance, we will provide direction to the States on 205(j) funding priorities.

I will report to Congress any need for increased stringency of guidelines with regard to expenditure of these funds.

QUESTION: Mr. Ravan, I would like to discuss with you some questions about the role of the Environmental Protection Agency in relation to other parts of the Executive Branch. As you probably know, it is long been the collective view of this Committee that there are some decisions in the area of environmental policy which are entrusted by law to the agency and its Administrator. When Mr. Ruckelshaus came before the Committee in May, we discussed his role as Administrator and the importance of his independence to execute that office in accordance with the laws of this country. Speaking as Chairman, I believe that the Committee was reassured by Mr. Ruchelshaus' response to these questions.

Nevertheless, more recent events lead me to raise the question again with you today. I'm speaking of recent statements by certain former EPA officials about instances in which the Office of Management and Budget reportedly attempted to influence the agency and press for changes in regulations to satisfy views of industry. One of the instances cited was in connection with proposed effluent guidelines for the iron and steel industry. OMB, of course, does have a role in advising the President on many matters of policy, while EPA has been entrusted with many specific statutory mandates concerning the country's environment. Would you tell the Committee what are your views of the appropriate roles of OMB and yourself, as head of EPA's water program, in matters of agency decision-making.

RESPONSE: First and foremost, Agency decisions must be made by the Administrator of EPA, and made in compliance with the applicable laws. The basis for decision must be the public record, and reliable technical data available. The reasons for decisions must be candidly presented.

These decisions should have the benefit of full discussion with all affected elements of the private sector. We must also allow for full discussion with other parts of the Executive Branch, and in particular with OMB. The President's Executive Order 12291 requires us to present regulations and supporting materials to OMB for review and I intend to comply with the Executive Order. OMB has a valuable role in coordinating social programs for the President and the Executive Branch, and I expect that discussion with OMB will help us in EPA to improve our decisions.

In the end, however, my recommendations to the Administrator will be my own, based on the requirements and discretion given EPA by the applicable statutes.

Senator Durenberger

QUESTION: The regulations for state underground injection well programs, promulgated by EPA in 1980, do not address wells that inject hazardous waste above underground sources of drinking water. One study done for EPA estimates there may be as many as 7,500 such wells.

When do you expect regulations for these cases to be issued?

RESPONSE: When the Agency promulgated the basic Underground Injection Control (UIC) program regulations in 1980, it reserved the requirements for certain Class IV wells, i.e., those shallow wells used to inject hazardous or radioactive waste above underground sources of drinking water. Since there is a similarity between certain land disposal facilities and such Class IV wells, the Agency decided it was desirable to issue the Class IV requirements after land disposal requirements were developed. This was explained in the preamble to the UIC promulgation together with the proposal of four options for completing the Class IV requirements. The Agency has reproposed Class IV requirements on September 2, 1983 and expects to promulgate final requirements next March.

While our original contractor study estimated that there could be between 5,000 - 10,000 Class IV wells, every effort to validate an inventory has indicated that there are substantially fewer such wells in the country (perhaps less than 100). While we do not have a final reliable count, the ultimate number will be determined as the Regions and States implement the requirements of the RCRA and UIC regulations and inspect facilities that generate, store and dispose of hazardous waste.

QUESTION: Do you have any plans to issue regulations that would apply to nonhazardous surface impoundments that are a major source of groundwater contamination in some areas?

RESPONSE: The Agency has no plans to issue additional regulations applicable to nonhazardous surface impoundments under the Safe Drinking Water Act because that Act does not provide such authority. Regulations that apply to some nonhazardous surface impoundments, although not Federally enforceable, have been issued under Subtitle D of the Resource Conservation and Recovery Act.

I share Congressional concern evidenced by various bills recently introduced in this area and will initiate a follow-up study of surface impoundments shortly:

(1) to assess the risks to ground water of various types of impoundments

(2) to study the feasibility and costs of control

(3) to examine the status of existing and prospective State controls, and

(4) to review existing and potential Federal regulations and the need for additional controls.

QUESTION: The Safe Drinking Water Act was intended to protect the public from ingesting harmful substances in their drinking water. The Act has not effectively served this purpose largely because of the lack of standards and consistent monitoring programs.

The drinking water standards presently in force do not include the major health threatening contaminants of ground water including TCE, vinyl chloride, and various pesticides. EPA has found these substances in a substantial number of randomly surveyed water supplies.

Do you have plans to set standards for these known contaminants of ground water and to establish monitoring guidelines for drinking water supplies?

Would you request additional funds for these purposes?

RESPONSE: Regulations have been in force for many of the most significant drinking water contaminants including: 10 inorganic chemicals such as lead, cadmium, mercury and arsenic; biological contaminants; radionuclides (both natural and man-made); and organic chemicals including 6 pesticides plus the 4 trihalomethanes (which are the most frequently found contaminants and usually at the highest amounts due to chlorination).

EPA studies (Community Water Supply Survey and Ground Water Supply Survey) provide evidence to support the concern about contamination from organic solvents such as TCE. Health Advisories have been provided and standards are on the way for a number of volatile organic compounds. Very recently, unexpected contamination of ground waters from pesticides such as EDB has been found. EPA has already provided Health Advisories for several of these pesticides and has included them in our plans for Phase II of the revised regulations.

The Agency is moving forward in developing Revised Primary Drinking Water Regulations for virtually all potentially significant contaminants of health concern in drinking water. The regulations development process has been divided into four Phases reflecting the availability of data on chemistry, toxicology, treatment technology and other factors. Within the first three Phases, nearly 80 contaminants are under consideration for standards and monitoring requirements.

The four Phases and their status include:

Phase I:	Volatile Synthetic Organic Chemicals (VOCs)	
	ANPRM	March 1982
	Proposal (RMCL)	February 1984
	Proposal (MCL)	September 1984
Phase II:	Synthetic Organic Chemicals (including pesticides), Inorganic Chemicals, and Microbiological Factors	
	ANPRM	October 5, 1983
	Proposal (RMCL)	September 1984
Phase III:	Radionuclides	
	ANPRM	October 5, 1983
	Proposal (RMCL)	FY 85
Phase IV:	Disinfection By-products (includes THMs)	
	ANPRM	FY 85

Current levels of funding are adequate for FY 84 to continue EPA's major regulatory processes as described above. I am committed to keeping on schedule and requesting the necessary support for this program.

QUESTION: Groundwater contamination is a problem of growing concern. In view of the Nation's increasing reliance on groundwater and the frequency of reported incidences of contamination, what do you feel EPA's role should be in groundwater quality management?

Specifically, do you support a strong Federal role in the development and enforcement of regulations designed to protect groundwater reserves?

RESPONSE: I support a strong Federal role in the protection of ground-water quality, in cooperation with the States, but I do not see a significant EPA role in regulation of ground-water quantity and use. The CERCLA provides for clean-up of hazardous waste sites, more than half of which contaminate ground water. RCRA provides cradle-to-grave regulation of hazardous wastes, many of which have potential for ground water contamination if improperly used, stored, shipped or disposed. The SDWA provides authority to set standards for contaminants in drinking water. These standards are used to protect ground water as well. In addition, the SDWA provides for regulation of underground injection practices and a sole source aquifer program. Authority is also available under FIFRA, TSCA, and several other statutes for actions which can protect ground water. EPA also conducts research in the transport and fate of contaminants in the ground.

EPA is currently reviewing its efforts under these statutes to ascertain (1) how it can achieve greater consistency in the development and implementation of these programs; (2) how it can better coordinate its efforts both at the Headquarters and regional levels; and (3) how it can assist States to expand their capacity to manage their ground water resources.

I strongly support this effort to strengthen EPA's ability to protect ground water through its existing statutes and to strengthen the Federal/State partnership.

QUESTION: Other threats to ground water arise from hazardous waste dumps and pesticide application. What do you see as the opportunities for and impediments to cooperation between your program and other relevant EPA programs, such as those regulating dumps and pesticides, in developing a coordinated attack on groundwater contamination?

RESPONSE: The Office of Water currently has several cooperative arrangements with other EPA programs to develop a coordinated attack on ground water contamination. First, this Office is leading an Agency effort in developing an agencywide Ground Water Protection Strategy. Our intra-agency Task Force provided the Agency leadership a draft report and is now working with them to think through the elements of the strategy. We also have individual arrangements with other offices to assure coordinated responses to related issues. When the Agency recently became aware of ground water contamination problems from pesticides, pesticides were included in the ANPRM for Revised Drinking Water Regulations which was issued on October 5, 1983. I intend to make sure that we work together in developing standards for the chemicals. The Office of Drinking Water develops Health Advisories and provides consultation to the Superfund Program on the health effects of unregulated contaminants for use in determining needed clean-up action at Superfund sites. ODW is also in the process of developing standards which will be used to protect ground water. The Underground Injection Control portion of the Drinking Water Program has close links to the RCRA program on issues of common concern, and with the research program on research needs. At the EPA Regional level, better coordination mechanisms are being put in place.

When the work of the Task Force is concluded, even closer ties should be established to coordinate EPA programs. While the Task Force studies have identified statutory and regulatory differences among EPA's programs, there do not appear to be serious impediments to cooperation. The key challenge will be improved communication at both the Federal and State program levels, and I am committed to this improvement.

QUESTION: I have heard a good deal in recent months about "toxic hot spots" --- water bodies that will continue to have toxic pollutant problems even after all technology-based controls are in place. Part of the problems in reorganizing and then dealing with these problems is the dramatic lack of appropriate numerical criteria for toxics in existing State water quality standards. What are your thoughts about the best way to get more criteria into place?

RESPONSE: EPA's soon to be released regulation on the water quality standards program places much greater emphasis on the inclusion of criteria for toxic pollutants in State standards. The provision reads as follows:

"States must review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting water quality or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use. Where a State adopts narrative criteria for toxic pollutants to protect designated uses, the State must provide information identifying the method by which the State intends to regulate point source discharges of toxic pollutants on water quality limited segments based on such narrative criteria. Such information may be included as part of the standards or may be included in documents generated by the State in response to the Water Quality Planning and Management Regulations (40 CFR Part 35)."

To support the States' efforts, the Office of Water will issue technical guidance on using the EPA water quality criteria in site-specific cases, as well as improved techniques for biological monitoring and wasteload allocations.

This represents a rational way to provide for the control of toxic pollutants, so that State efforts will be directed towards specific problem-causing chemicals.

Senator Randolph

QUESTION: The Environmental Protection Agency has worked on a ground water protection policy for over three years, but has been unsuccessful in implementing a plan. In you estimation is a statutory mandate needed to address ground water protection?

RESPONSE: I will support ground water protection as one of this Agency's most important goals. As a part of its efforts to develop a ground-water policy, the Agency has established a Task Force to (1) recommend steps to achieve greater consistency among existing programs under RCRA, SDWA, CERCLA and CWA, (2) enhance program coordination at the Headquarters and regional levels, (3) to assist States to enhance their ability to protect ground water, and (4) to assess problem areas not being adequately addressed. These activities are consistent with my views of the Federal role as implementing existing statutes in cooperation with the States including setting standards for the quality of drinking water, conducting research and development, and providing technical assistance.

My recommendation will be for a fully staffed and coordinated ground water program in the Office of Water Programs at the Deputy Assistant Administrator level. I will ask the Administrator to repose final staff authority in this office.

The State role is to address a more comprehensive set of ground water management issues such as the use and the allocation of withdrawal, and ground water quality problems not included in Federal programs, such as those involving land-use controls. These Federal and State roles may be pursued under existing statutory mandates and strengthening ground water protection under present laws has to be our first priority.

QUESTION: How much of your time do you intend to devote to the Safe Drinking Water Program? Is it your intention to propose changes to the Safe Drinking Water Act? What areas in your view need to be modified?

RESPONSE: I consider the drinking water program a key area in protecting the public health and intend to devote a considerable amount of time to the implementation of the Safe Drinking Water Act (not less than 25%). We will focus on the development of Revised Primary Drinking Water Standards, including regulations for volatile organic contaminants and pesticides, and the implementation of the underground injection control program. In addition, we will continue to work with the States to improve compliance with existing standards.

The Administration has stated its position on proposed changes to the Safe Drinking Water Act which I fully support. These changes, particularly those providing enhanced and flexible enforcement tools, would greatly increase our ability to improve compliance with the regulations. Some of these modifications include: (1) the authority to issue administrative orders to bring public water systems into compliance in both primary and non-primary States and (2) the authority to impose administrative penalties. The Administration's position on proposed modifications to the SDWA is summarized in the letter to the Honorable Henry Waxman (Attachment).

QUESTION: Why in your opinion has EPA been unable to promulgate regulations for the highly toxic volatile organic chemicals?

What do you intend to do to correct this situation?

RESPONSE: To the best of my knowledge, EPA is making progress in developing regulations for a group of volatile organic contaminants (VOCs) being found with increasing frequency in public supplies, especially those with ground water sources. The Agency has fostered an extensive public dialogue on the issues involved in regulating VOCs since it issued an Advance Notice of Proposed Rule-making in 1982. The issues posed are among the most challenging the Agency has faced on the interpretation of the evidence of carcinogenic potential associated with several of the VOCs. These regulatory proposals have coincided with broader issues involving the Agency's carcinogen policies. Nevertheless we are now moving into full Agency review of proposed "Recommended Maximum Contaminant Levels" (levels based solely on the public health risk posed, required under the SDWA to precede proposal of the enforceable safety standard, the "Maximum Contaminant Level"). Federal Register publication of the proposal is expected by next February.

I am very much aware of the importance of these issues, not only for the regulation of public water supplies but also for their wider implications to other programs. That is why I am keenly interested in seeing these regulations issued as quickly as possible.

QUESTION: A General Accounting Office Report published in 1982 revealed a rather dismal compliance record with the Safe Drinking Water Act. Small systems particularly are having a difficult time because of a lack of properly trained water system operators and insufficient funds. How would you propose to provide relief to small systems and improve compliances with the Act? It has been suggested that a system similar to the Construction Grants program under the Clean Water Act be created to enable systems to upgrade their water supply facilities. Do you believe that such a system is necessary?

RESPONSE: The GAO report "States' Compliance Lacking in Meeting Safe Drinking Water Regulations" was based upon compliance figures for Fiscal Year 1980 which did not distinguish between major/minor or technical violations. Since then, we have worked with the States in developing a workable method of distinguishing the type and duration of violations. In spite of the problems discussed in the report, there has been significant improvement in the overall compliance by small systems over the last few years. Data received in FY 1981 documents improvements in drinking water quality. The States reported about a 50% reduction in systems with persistent microbiological and turbidity violations.

Despite these improvements, we realize that there is much more to be done to assist these small water systems. We are working with the States in implemating the strategies directed at improving compliance for small systems. Moreover, EPA submitted modifications to the SDWA which would provide additional enforcement tools such as administrative orders and penalties, which will enable the Agency to deal with small systems that persistently fail to monitor for microbiological contaminants.

I believe that Federal assistance from Farmer's Home Administration is already available to systems to upgrade their water supply facilities and that a water supply construction grants program is not necessary, especially in view of the long history of drinking water systems paying their own way through the water user fee system. Further, the track record of the construction grants program suggests that a less encumbered delivery system for Federal assistance would be desirable.

QUESTION: In 1981, the Administration committed itself to funding the construction grants program at $2.4 billion annually for ten years.
-- Do you think Federal financial participation in the program would be terminated at the end of that period?
-- I have heard you favor closing out the program at an earlier date, using the same amount of funds at a faster rate over the next few years. Are these your current thoughts?
-- Do you think other Federal programs should be used for funding construction grants projects? Which ones?
-- What other methods could be used to finance these projects?

RESPONSE: The 1981 amendments to the Clean Water Act provided a transition for re-direction of the construction grants program and provided for changes in the level of Federal financial participation in the construction of municipal wastewater treatment facilities, i.e., a $2.4 billion authorization through FY 1985, and starting in FY 1985, a reduced Federal grant share and further limits on grant eligibilities. These changes in the program were considered necessary given the potential Federal funding that would be needed to meet the 1980 Needs Survey estimate of $120 billion in Year 2000 municipal wastewater treatment construction needs. As noted in 1981, enactment of the amendments is expected to reduce the Federal funding potential for these needs from nearly $90 billion to approximately $36-37 billion.

While the issue of long-term Federal funding potential was addressed in 1981, the outstanding questions now are how much can municipalities be expected to contribute to construction and operation of facilities and, how can the Federal financial assistance that is provided be best focused to meet remaining needs. The extent and nature of future Federal financial participation in the construction of municipal wastewater treatment facilities will be the subject of a study that the Agency is undertaking. This study will address whether the Federal construction grant program should be continued, and, if so, how long. The study focuses on identifying alternatives that best promote local self-sufficiency and long-term municipal compliance. The Agency will involve all interested parties--Congress, States, municipaliteis, interest groups--in these discussions.

The Agency will be exploring a wide range of approaches to Federal involvement, including: refinements to the existing categorical grant program; the possibility of coordinating funding activities with other Federal programs, e.g., FmHA, HUD, EDA, etc.; the establishment of block grant programs; the use of Federal loans or loan guarantees; the establishment of trust funds, infrastructure banks, or other institutional arrangements for revolving funds; tax incentives for private investment/financing of municipal treatment works; the issuance of taxable bond options; and small community programs.

In conjunction with the study, the Agency will closely examine the feasibility of alternative financing and bond issuance methods that may be available to communities in constructing treatment facilities, including private sector involvement in the design, construction, ownership, and operation of municipal facilities.

Upon completion of the study, I will make recommendations for any needed legislative changes.

In summary, let me assure the committee that any recommended changes will be fully coordinated with you. Second, I will faithfully administer the funds as provided by Congress. Third, my experience indicates that there is a place for privately funded wastewater treatment plants which fully comply with clean-up requirements.

QUESTION: In this year's amendments to the Clean Water Act, this Committee has placed a greater emphasis on controlling toxic pollutants through the water quality standards program as well as point source controls.

-- What are your thoughts on these initiatives? Do you support the approach in S. 431?

-- What other approaches do you think should be employed in the control of toxic pollutants?

RESPONSE: I believe that the Agency should place a greater emphasis on toxic pollutant control and the soon to be published water quality standards regulation will provide for such control. The new rule will require States to review water quality data and information on specific waterbodies and adopt criteria for toxic pollutants sufficient to protect the designated use. This provision may result in States applying more stringent effluent limitations to dischargers, even after complying with BAT technology based limitations.

The Agency will use an approach to regulating toxic discharges that combines pollutant-by-pollutant control approaches with complex efffluent biological toxicity testing. These approaches may be used singly or in combination, as the needs of the specific area dictates. For example, where an effluent contains one or a few readily identifiable totxic chemicals, then pollutant-specific ccriteria and effluent limitations will be used. In more complex discharge situations, it may be infeasible to use a pollutant-specific approach and both more efficient and more effective to perform whole effluent biologicial testing and set aquatic toxicity limits.

This approach is doable under the present Clean Water Act, and I do not believe changes are needed. In particular, I am concerned about Section 6 of S. 431 which requires mandatory use of numerical water quality criteria. We would interpret this provision as requiring pollutant-specific criteria in every case. This would be an extremely time-consuiming and, in many cases, would not be as effective as the use of biological criteria which limit toxicity of the whole effluent. I believe our revised regulations provide for an effective, flexible approach, which allows the regulatory agencies to establish one or both forms of criteria, as each case dictates.

After further studies, I will be pleased to discuss S. 431 provisions with you and the Committee staff.

STATEMENT OF COURTNEY M. PRICE
FOR CONFIRMATION AS
ASSISTANT ADMINISTRATOR OF THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
U.S. SENATE COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

October 20, 1983

Mr. Chairman and Members of the Committee. I am honored to have the opportunity to appear before you as the President's nominee to become Assistant Administrator for Enforcement and Compliance Monitoring. I will briefly outline my background and professional experience, describe how I view the Assistant Administrator's functions, and discuss my goals and objectives as the Agency's chief enforcement official.

I am a graduate of the University of Alabama and the University of Southern California Law School. I am admitted to the bar in both California and the District of Columbia. Following law school, I was in private practice in California for four years, specializing in civil litigation. From 1979 until the present, I have served the Federal government as both lawyer and manager, first with the Department of Energy and then with the Department of Transportation. At DOT, I rose to the position of Associate Administrator for Rulemaking at the National Highway Traffic Safety Administration, where I advised the Administrator on rulemaking matters and also led the Agency's efforts to reduce international trade barriers.

In March of this year I was appointed EPA's Acting Associate Administrator for Legal and Enforcement Counsel and General Counsel, and then two months later became the Special Counsel to the Administrator for Enforcement. In this role I have been responsible for directing Agency-wide efforts to develop enforcement policy and pursue judicial enforcement actions against violators of Agency-administered statutes.

During the six months I have served as Special Counsel for Enforcement, I have overseen and promulgated a substantial number of policy documents, including:

° Guidance on streamlining procedures for referral of criminal cases;

° Guidance on pursuing cost recovery actions and issuing administrative orders under the Superfund Act;

° A policy on enforcing the permit provisions of the Resource Conservation and Recovery Act;

° Standard provisions for judicial consent decrees; and several other topics.

My office is also completing guidance on improving our ability to monitor compliance with consent decrees and on assessing uniform civil penalties on an Agency-wide basis. In addition, I have made a special effort to improve our relationship with Congressional committees and subcommittees charged with overseeing Agency implementation of environmental programs. Towards that end, I have entered into Memoranda of

Understanding with several committees in order to provide Congress with the information it needs to fulfill its responsibilities.

Mr. Chairman, I have been nominated to take charge of a new office at the Agency, the "Office of Enforcement and Compliance Monitoring." In addition to the continuing responsibilities which this office will have for judicial enforcement, for the first time this office will have Agency-wide authority and responsibility for overseeing all compliance and enforcement activities. The establishment of this office reflects the strong, unequivocal commitment on the part of the Administrator and Deputy Administrator to achieving compliance with environmental laws to the greatest extent possible.

In the past, some have doubted the vigor with which the Agency intended to implement its enforcement program. I am committed to taking the actions necessary to dispel those doubts. Under my direction, my office will use its authority to see that the Agency administers vigorous and effective programs for bringing non-complying persons or facilities into compliance and for preventing prevent future violations. The Agency has at its disposal a number of enforcement tools for achieving compliance. The Agency must choose and apply the appropriate tool in a timely manner. For example, if a warning letter will suffice in a particular situation, then so be it. But if stronger administrative or judicial remedies are warranted, my office, in conjunction with the program offices and the Regions, will ensure that these remedies are applied as expeditiously as possible.

We cannot be successful in reaching our compliance objectives, however, without a sound system of management and adequate resources. With this in mind, the Agency is implementing several initiatives designed to upgrade the efficiency of the compliance and enforcement program. First, a compliance and enforcement strategy is now being developed for each media. The strategies will serve as the blueprint for administering each compliance program by setting goals and establishing priorities. We are also delegating more responsibility to our Regional offices for day-to-day litigation activities. Headquarters enforcement personnel will focus on developing policies and guidances and on lending direct support to pursuing significant, precedential cases. Perhaps most importantly, my office will be responsible for establishing measures of performance and evaluating the success of our compliance and enforcement efforts in meeting compliance targets.

Finally, the Agency is making every effort to devote sufficient resources to the compliance program. We have never before in the Agency's history had so many positions allotted to compliance monitoring and enforcement. Regional enforcement offices have been given additional resources to permit increased emphasis on field activities. In addition, my office has received twenty additional slots to help perform our new monitoring and evaluation functions.

Mr. Chairman, I pledge to do everything I can to foster a compliance and enforcement program that is firm, fair, uniform, and most of all, effective. I believe I have already helped the Agency move toward this objective, and I very much want the opportunity to continue. Therefore I hope that you and your colleagues will consent to my nomination.

At this time I am pleased to respond to any questions you might have.

COURTNEY M. PRICE

PROFESSIONAL EXPERIENCE:

Special Counsel to the Administrator for Enforcement
U.S. Environmental Protection Agency, Washington D.C.
(May 20, 1983 to present)

Principal advisor to Administrator in establishing and carrying out Agency-wide enforcement policies and programs; chief enforcement officer for Agency in matters pertaining to judicial enforcement and conduct of enforcement activities on an Agency-wide basis to ensure national consistency and conformity with environmental laws and regulations

Acting Associate Administrator for Legal and Enforcement Counsel and General Counsel
U.S. Environmental Protection Agency, Washington, D.C.
(March 25 to May 20, 1983)

Directed staff of the Office of Enforcement Counsel in administering the Agency's enforcement policies, providing litigation support, and ensuring the consistency of Agency-wide enforcement activities and policies; directed staff of the Office of General Counsel in providing legal services to all Agency components including: legal opinions, counsel and litigation support, and legal advice in the formulation and administration of Agency programs

Associate Administrator for Rulemaking
National Highway Traffice Safety Administration
U.S. Department of Transportation, Washington, D.C.
(January 1982 to March 1983)

Principal advisor to the Administrator and Department officials on rulemaking matters; director of Agency's international effort to reduce non-tariff trade barriers; representative of Agency in international negotiations

Deputy Chief Counsel
National Highway Traffic Safety Administration
U.S. Department of Transportation, Washington, D.C.
(June 1981 to December 1981)

Principal deputy to Chief Counsel and advisor to Administrator and other Agency officials; supervisor and coordinator of activities of divisions within Office of Chief Counsel; liaison between the Office of Chief Counsel and the Office of Rulemaking

Staff Attorney
Office of General Counsel, Regulatory Litigation
Department of Energy
Washington, D.C.
(July 1979 to June 1981)

Civil litigation and administrative law practice; Extensive experience in discovery, brief writing, and general appellate litigation

Associate; Jaffe, Clemens & Fridkis
Los Angeles, California
(1978-1979)

Civil litigation practice; primarily marital dissolution law

Associate; Haight, Dickson, Brown & Bonesteel
Los Angeles, California
(1975-1978)

Civil litigation practice; extensive experience in discovery, law and motion, negotiation, and trial work

EDUCATION:

Public schools in Jackson, Mississippi

University of Alabama, A.B., 1963

University of Southern California Law School, J.D., 1975

BAR MEMBERSHIPS:

California

District of Columbia

PERSONAL INFORMATION:

Born, September 17, 1942, Jackson, Mississippi

Married to Joseph H. Price

Children: Courtney Shands Walsh, age 18
John Harley Walsh, age 14

Address: 3104 Cathedral Avenue, N.W.
Washington, D.C. 20008

United States of America
**Office of
Government Ethics**

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Courtney M. Price, who has been nominated by President Reagan for the position of Special Counsel for Enforcement, Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Ms. Price is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H Martin

David H. Martin
Director

Enclosure

SF 278 (Rev. 6/81)
FPM Chapter 734
U.S. Office of Personnel Management

FINANCIAL DISCLOSURE REPORT

GD

Form Approved
OMB No. 3206-0092

Page 1

NOTE
All schedules must be filed. Enter "None" in areas or across schedules where appropriate

Reporting Status (Check Appropriate Box)
☒ Incumbent ☐ New Entrant, Nominee, or Candidate ☐ Termination Report

Agency Use Only — Date of Filing (Month, Day, Year)	JUNE 12, 1983
OGE Use Only	JUL 11 1983

Reporting Individual's Name	Last Name PRICE	First Name and Middle Initial COURTNEY M.	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.) MAY 20 1983	Termination Date (If Applicable) (Month, Day, Year) NOT APPLICABLE
Position for Which Filing	Title of Position SPECIAL COUNSEL FOR ENFORCEMENT	Department or Agency (If Applicable) EPA	Room Number 1035	Telephone No. (Include Area Code) 202-382-4140
Location of Present Office	Address (Number, Street, City, State and Zip Code) 401 M ST. SW WASHINGTON, DC.			

Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination SENATE COMMITTEE ON ENVIRONMENT + PUBLIC WORKS
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held ASSOC. ADMIN FOR RULEMAKING, NHTSA - JUNE 1971 - MAY 1983

Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual Courtney M. Price	Date (Month, Day, Year) June 12 1983
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Gerald H. Yamada	Date (Month, Day, Year) 6/29/83
Office of Government Ethics Use Only GD 9/26/83	Signature David H. Martin	Date (Month, Day, Year) 9-26-83

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

See attached renewal statement dated 4/1/83.

(Check box if comments are continued on the reverse side) ☐

SF 278 - Financial Disclosure Report
(Rev. 6/81)

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust? Yes ☐ No ☒
If "yes", have you reported the income from the trust? Yes ☐ No ☐
If "yes", have you reported the assets of the trust? Yes ☐ No ☐
If "yes", is this trust an "excepted" trust? Yes ☐ No ☐ or "qualified" trust? Yes ☐ No ☐

Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported? Yes ☐ No ☒
If "yes," do you certify to all of the following?
1. They represent solely your spouse's or dependent child's financial interest or responsibility;
2. They are not, in any way, past or present, derived from your income, assets, or activities
3. You neither derive, nor expect to derive, any financial or economic benefit from them; and
4. You do not have knowledge as to the composition of such interest or liabilities. Yes ☐ No ☐

Page Number 2
Schedule A
Reporting Individual's Name: COURTNEY M PRICE
Agency Use Only
Date of Filing (Month, Day, Year)

		Income																		Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)											Valuation of Assets (✓)						
Spouse (S) or Dependent Child (C)	Identification	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount (Only if "Other" Specified)	Date (Mo., Day, Yr.) (Only if Honoraria)	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
S	Husband's Keogh Retirement Act																		H				✓		
S	Husband's interest in real property																		A				✓		
	(½ interest in residence at																								
	4900 Brookeway Dr. Bethesda Md																								
S	Leva, Hawes (Law firm)							non Investment																	
S	Specialized Services Inc							Non-invest.																	
	(Bd of Directors)																								
S	Husband's Keogh Retirement Act																								
	Holdings																								
	Corporate Securities Trust Bond			✓							✓								H			✓			
	Promissory Note - Interest Paid			✓							✓								H			✓			
	to Keogh																								
	National Bank of Washington			✓						✓									H		✓				
	money market																								

SF 278—Financial Disclosure Report
(Rev 6 81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number ▶ 3	Schedule B
Reporting Individual's Name COURTNEY M. PRICE	
Agency Use Only	
Date of Filing *(Month, Day, Year)*	

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date *(Month, Day, Year)*		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S	Husband's Keogh Retirement Acct											
	American Electric Power		✓			5-25-83			✓			
	LONG ISLAND LIGHTING BONDS		✓			6-2-83		✓				

SF 278—Financial Disclosure Report
(Rev. 9/81)

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number	4
Schedule	C

Reporting Individual's Name: Courtney M. PRICE

Agency Use Only

Date of Filing (Month, Day, Year)

I. Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

S or DC	Source *(Name and Address)*	Brief Description	Value
	NONE		

II—All Other Gifts—*List each source totaling $100 or more in value*

S or DC	Source *(Name and Address)*	Brief Description	Value
	NONE		

III. Reimbursements—*List each source totaling $250 or more in value*

S	Source *(Name and Address)*	Brief Description	Value
	NONE		

SF 278—Financial Disclosure Report

LIABILITIES

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name	Agency Use Only: Date of Filing (Month, Day, Year)	Page Number	Schedule
PRICE, COURTNEY M		5	D

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓): $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
S	AMERICAN SECURITY BANK	unsecured loan - 1 yr line of credit		✓			
		1 pt over prime					
S	Loan from husband's Keogh	Secured 12-22-81 15% 5 yrs		✓			

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
DOT, NHTSA 7th + D S.W. WASHINGTON, DC	NHTSA Rulemaking	Assoc. Admin - Rulemaking	DEC 81	May 1983 ~~present~~
EPA - SPECIAL COUNSEL, ENFORCEMENT	EPA, OLEC	SPECIAL COUNSEL, ENF	May '83	present

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
NONE	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
NONE		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
LEGAL AND ENFORCEMENT COUNSEL

MEMORANDUM

SUBJECT: Any Particular Matter Involving American Electric Power or the Law Firm of Leva, Hawes, Symington, Martin & Oppenheimer

FROM: Courtney M. Price Courtney M. Price
Acting Associate Administrator
and General Counsel

TO: OLEC Attorneys

To avoid any appearance of a conflict of interest, I have recused myself from participation in any particular matter before EPA which involves or affects the financial interests of American Electric Power or any of its subsidiaries or in which a party is represented by Leva, Hawes, Symington, Martin & Oppenheimer. My husband is a partner is that firm.

I am aware that the firm represents clients before EPA in connection with the following matters:

(1) The firm represents the rayon industry (Courtaulds, Avtex, North American and Enka) with respect to proposed effluent guidelines for organics, plastics and synthetic fibers.

(2) Region III has served Avtex Fibers, Inc., a firm client, with an administrative complaint under Section 6(e) of TSCA, 15 U.S.C. §2601 et seq.

(3) The firm represents U.S.I. Properties in seeking a permit under the Clean Water Act to drain a flooded pasture near Humacao, Puerto Rico, known as the Santa Teresa farm.

(4) The hazardous waste site at Seymour, Indiana.

(5) The firm represents the Glass Packaging Institute et al. in rulemaking and in litigation involving new source performance standards for glass manufacturing furnaces.

The Enforcement Counsel and the Deputy General Counsel are delegated responsibility to act on behalf of this Office regarding these matters in their respective areas of responsibility.

If you are aware of any other matters in which Leva, Hawes, Symington, Martin & Oppenheimer represents parties before EPA or in litigation involving EPA, please let me know immediately.

cc: Office of Government Ethics

RESPONSES TO QUESTIONS FROM MEMBERS OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Submitted by Courtney M. Price
Assistant Administrator-Designate
Office of Enforcement and Compliance
  Monitoring
October 25, 1983

Question: (Senator Durenberger)

Under the Safe Drinking Water Act, EPA is required to establish minimum requirements for state underground injection programs to prevent contamination of drinking water supplies.

EPA established those minimum requirements in 1980 but has not yet begun direct enforcement anywhere. What if any plans do you have to correct this situation?

Response:

The Agency is in the process of reviewing State proposals for full or partial underground injection control (U.I.C.) programs. To date, the Administrator has approved 27 applications, which have resulted in 11 full State U.I.C. programs and 7 partial programs. These States have primary enforcement responsibility. The Agency will review the success of these State programs and will bring direct Federal enforcement in those areas where the States have failed to effectively enforce. On September 2, 1983, the Agency proposed Federal U.I.C. regulations for 23 jurisdictions, where EPA will have direct enforcement responsibility. The Agency plans to promulgate these final regulations in March, 1984. The Agency plans to propose, during the third quarter of Fiscal Year 1984, direct Federal regulations for all remaining jurisdictions which do not then have approved State programs.

Question 1: (Senator Randolph)

We have heard about a proposal to offer extensions by enforcement letter, to major-industries after the July 1984 Best Available Technology deadline is passed. I am doubtful that the Clean Water Act allows such extensions. Would it not be preferable to enact statutory extensions, such as those in S. 431, and do it in a timely fashion?

Response:

The Agency has supported a statutory Best Available Technology (BAT) extension in Congressional testimony. In the absence of a BAT amendment, the Agency does not plan to use enforcement letters (extended compliance schedule letters or ECSLs) in connection with the July 1, 1984 deadline for BAT. All BAT permits would continue to have July 1, 1984 compliance dates. In those situations where compliance with the permit is not possible, an interim compliance schedule would most likely be set by administrative order (AO) under section 309(a)(5)(A) of the Clean Water Act. The Agency believes it has authority to issue administrative orders when necessary concerning BAT under section 309(a)(5)(A). That section allows the Administrator to set a compliance schedule by AO "not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements."

Question 2: (Senator Randolph)

One function of your office will be litigation under the Superfund law. Can you tell us how many actions are projected to be filed in fiscal years 1984 and 1985, both cleanup actions under section 106 and cost recovery actions under section 107?

Response:

The Agency estimates that 77 actions will be filed in fiscal year 1984. Of these, 32 will be filed pursuant to section 106 of the Superfund law, and 34 will be filed under section 107. In addition, the Agency expects to file approximately 11 criminal cases.

In FY85, we estimate that 86 cases will be filed; 27 section 106 actions, 48 section 107 actions, and 11 criminal cases.

Question: (Senator Mitchell)

EPA has recently instituted a computer system to track enforcement activity. There are discrepancies between the figures derived through the new system and those made available to the Congress previously. Could you explain these discrepancies? (Enclosed are documents indicating the discrepancies.)

Response:

In assuming my role as Special Counsel to the Administrator for Enforcement I quickly became aware of the problems arising from the different methods that had been used in obtaining and reporting figures representing enforcement activity. In addition to the Enforcement Docket which has been in operation for several years, there have been several manually kept records and one-time efforts to develop enforcement statistics. Because of the discrepancies that have arisen in the past, some of which you have observed and pointed out, I have established a policy that all official enforcement statistics will be obtained from the Enforcement Docket System. I also recognize that at any given time the data in the Docket may not be 100 percent accurate, as would be the situation with any system established, and that the data is constantly being researched and updated. I have established procedures and guidance on the use of the Docket that will make it the most reliable source of enforcement statistics.

I will explain the specific discrepancies that you have observed and questioned.

(1) The figures in Attachment A are from the Enforcement Docket and represent the official numbers of civil actions referred by the regions to EPA Headquarters and number of actions referred to the Department of Justice.

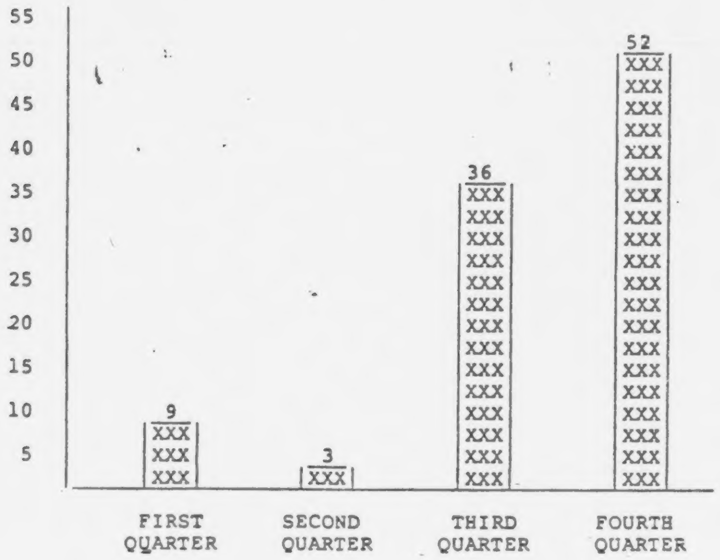
(2) The figures in Attachment B were obtained from a manually kept log that had not been verified with data researched, entered, and maintained in the Enforcement Docket. We continue to keep this log and use it as one of the checks on the completeness and accuracy of the Docket.

(3) The figures appearing in Attachment C indicating the number of referrals to the Department of Justice in FY 1980 and FY 1981 include cases arising under EPA's Mobile Source Enforcement Program, and are handled by attorneys who are not part of my office. The Docket report (Attachment A) does not include Mobile cases. I have run a separate report (Attachment D) which includes Mobile cases. Any differences that now appear result from additional information obtained since running the report that produced figures appearing in Attachment C.

```
                                   ENFORCEMENT DOCKET RETRIEVAL SYSTEM
   10/19/83                                 CROSSTAB REPORT
                                                                                      PAGE 001
                                   ALL CIVIL ACTIONS REFERRED TO EPAI BY FISCAL YEAR

HEADQUARTERS DIVISIO    DHFY   DHFY   DHFY   DHFY   DHFY   DHFY   DHFY   DHFY   DHFY   DHFY   DHFY
                        74     75     76     77     78     79     80     81     82     83     TOTL

                           0      0      0      0      0      0      0      0      0      1      1
AIR                        0      1     10     15     95    100    106     40     57     46    470
HAZ                        0      0      0      0      3     11     68     12     47     43    184
PES                        0      0      0      0      0      3      0      2      1     13     19
WAT                        9     42     72     86    164     85     67     34     60     53    672
T O T A L                  9     43     82    101    262    199    241     88    165    156   1346
NUMBER OF VALUES OF HQDV IS 5
```

```
                                    ENFORCEMENT DOCKET RETRIEVAL SYSTEM
                                              CROSSTAB REPORT
   10/17/83                                                                                PAGE 001
                                    ALL CASES REFERRED TO DOJ; BY FISCAL YEAR

                               DDFY   DDFY   DDFY   DDFY   DDFY   DDFY   DDFY   DDFY   DDFY   DDFY   DDFY
HEADQUARTERS DIVISIO           74     75     76     77     78     79     80     81     82     83     TOTL


AIR                               0      0      8     12     68    104     78     50     32     60    412

HAZ                               0      0      0      0      2      9     54     12     29     29    135

PES                               0      0      0      0      0      3      0      1      2      7     13

NAT                               0     20     68     92    138     81     55     37     46     54    591

T O T A L                         0     20     76    104    208    197    187    100    109    150   1151

NUMBER OF VALUES OF HQDV IS       4
```

CIVIL REFERRALS TO DOJ - FISCAL YEAR 1982



TOTAL - Fiscal Year 1982: 100 cases referred to DOJ

CAA	= 27
CWA/SDWA	= 43
RCRA/CERCLA	= 29
TSCA	= 1
	100

Number of civil referrals to DOJ by month, FY 1982:

October	1981	= 4
November	1981	= 5
December	1981	= 0
January	1982	= 0
February	1982	= 0
March	1982	= 3
April	1982	= 5
May	1982	= 13
June	1982	= 18
July	1982	= 8
August	1982	= 13
September	1982	= 31
		100

Number of civil referrals from Regions to HQ by month, FY 1982:

October	1981	= 0
November	1981	= 0
December	1981	= 0
January	1982	= 0
February	1982	= 0
March	1982	= 5
April	1982	= 63
May	1982	= 6
June	1982	= 1
July	1982	= 15
August	1982	= 3
September	1982	= 31
		124

97th Congress
2d Session
COMMITTEE PRINT
COMMITTEE PRINT 97-NN

HAZARDOUS WASTE ENFORCEMENT

REPORT

OF THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON ENERGY AND COMMERCE
U.S. HOUSE OF REPRESENTATIVES

DECEMBER 1982

U.S. GOVERNMENT PRINTING OFFICE
12-670 O WASHINGTON : 1982

In his testimony,[71] Thomas Viola, president of SCA, categorically denied Mr. Kaufman's allegations concerning himself and SCA. He stated that to the best of his knowledge "no one in SCA has any connection with organized crime, and organized crime exercises no control or influence over SCA." [72]

In noting that SCA grew rapidly in the early 1970's by the acquisition of more than 130 local garbage companies, Mr. Viola stated: "It is, of course, conceivable that some of the employees who came with some of these companies may have committed crimes or even had contacts with organized crime. If that occurred, I am not aware of anyone at SCA who had any knowledge of those past associations." [73]

Mr. Viola further testified that he had no knowledge of any such "property rights system" and stated that SCA does not participate in it, if it does exist. While he had heard many allegations concerning a property rights system, as a result of different investigations by various agencies going back to 1959, he added that he had no personal knowledge that any such system exists.[74]

On June 22 , 1981, less than a month after the hearing, Mr. Viola resigned as president and chief executive officer of SCA. According to a press account at the time,[75] Mr. Viola stated in his letter of resignation that he had refuted every allegation made against him. "Despite this exoneration," he wrote, "severe damage had already been done to my business and personal reputation by the wide circulation given to these allegations . . . The inevitable resulting loss in my effectiveness has led me to today's decision." Mr. Fox issued a statement expressing his gratitude to Mr. Viola, but said "the board had determined that the change in management was in the best interests of the company."

Two weeks later, the Newark Star-Ledger reported that SCA was seeking to sell off its solid waste subsidiaries in New Jersey. At SCA's annual meeting in September 1981, Mr. Fox publicly disclosed the company's decision that SCA should divest itself of its solid waste subsidiaries in northern New Jersey, stating:

> In addition, allegations were made by law enforcement officials that a certain few employees of the Company located in subsidiary operations in New Jersey were known to be associates of the criminal element in that state. Further, they alleged that illegal territorial arrangements were practiced by all firms engaged in solid waste handling in North New Jersey.
>
> We have not been able to verify any of these charges. However, since these rumors seem to emanate from the industry's poor reputation in Northern New Jersey, your management has decided to actively explore the possibility of disposing of these Company subsidiaries which we operate there."[76]

SCA has advised the Subcommittee that as of October 1982, the following subsidiaries in northern New Jersey have been, or are being, disposed of: (1) Impac, Inc.'s stock was sold back to the Tommetti brothers, former owners of the company, in August 1981; (2) Industrial Haulage Corporation was sold in June 1982 to corporations owned by Frank Viola, former co-owner of the company; (3) A.A.

---

[71] Ibid. at 95-123, 127-136, 197-207.

[72] Ibid. at 108.

[73] Ibid. at 109.

[74] Ibid. at 110, 120.

[75] Boston Globe, June 23, 1981.

[76] Letter of Aug. 17, 1982, to subcommittee from Mr. T. Kenwood Mullare, Jr., Vice President and General Counsel of SCA.

Mastrangelo, Inc. and United Carting Company are being sold to Joseph and Ralph Mastrangelo, who no longer is affiliated with SCA; and (4) the assets of Waste Disposal, Inc.'s Matawan and Neptune operations are being sold to Peter and Joseph Roselle, former co-owners, and John Pinto and John Pinto, II. Disposal of Waste Disposal's operations at Elizabeth and East Orange is being negotiated.[77]

Further, with respect to SCA, the Subcommittee concludes that when the company was expanding its operations nationwide in the early 1970's, it acquired a number of solid waste carting companies in New Jersey and retained as managers the former owners, consistent with its acquisition policy in other states. Several of those managers in New Jersey, who are no longer employed by SCA, had affiliations with organized crime figures and one manager, Crescent Roselle, actively participated in meetings with members of organized crime to settle property rights disputes. During the past year, SCA has been disposing of its solid waste subsidiaries in northern New Jersey. The Subcommittee has no information indicating that SCA's current board of directors has any connection or affiliation with any organized crime figures.

IV. EPA's Enforcement Program and Policies in the Administration of RCRA and Superfund

At its April 2, 1982 hearing, the Subcommittee examined EPA's overall enforcement program with emphasis on compliance, policy, and activities under both RCRA and Superfund. The Subcommittee also focused on the impact of EPA's reorganization efforts on the effectiveness of its enforcement program. Enforcement issues were also the subject, in part, of the Subcommittee's hearings on November 16 and 18, 1981.

The basis for the April hearing was the Subcommittee's concern that after 14 months into the present administration, EPA had not maintained an effective program to enforce the civil and criminal sanctions that Congress had provided when it enacted RCRA and Superfund. As Chairman Dingell observed in a statement announcing the hearing: "These laws cannot protect the public health and environment, as they were intended to do, without a strong enforcement program to back them up. The Department of Justice, as the enforcement arm of the Federal government, provides that mechanism; however, without referrals of cases from EPA, the Department is powerless to act."[78]

A. DECREASE IN REFERRALS OF CIVIL ENFORCEMENT ACTIONS

In 1981, a dramatic decrease occurred both in the overall number of civil enforcement actions forwarded to EPA headquarters by the regional offices and in those sent by EPA to the Justice Department for prosecution. In contrasting 1981 to 1980, the data shows a 79 percent decline in the number of case referrals to EPA headquarters from the regions and a 69 percent decrease in the number of referrals to the Department of Justice.[79]

---

[77] Ibid. and subcommittee staff telephone conversation with Mr. Mullare on Oct. 20, 1982.
[78] Press statement of Mar. 25, 1982.
[79] Apr. 2, 1982 hearing at 287 and 289.

The slowdown is graphically reflected in the area of hazardous waste enforcement. No Federal judicial actions using RCRA authority had been filed as of April 1982 and only seven were filed in 1981. From April through September 1982, three such cases were filed. This sharply contrasts to the 43 actions filed in 1980. Actual experience also contrasts sharply with the expectation of Carol Dinkins, Assistant Attorney General of the Justice Department's Land and Natural Resources Division, who testified in July 1981 that "In the months to come, we expect to see an increasing flow of hazardous waste enforcement activity with early consultation and involvement in EPA enforcement matters, increased filings of hazardous waste litigation and criminal prosecutions." [80] In an interview with the Subcommittee staff in March 1982, Mrs. Dinkins attributed the drop in cases to EPA's continuing reorganization process, stating that "it has hindered their generation of cases."

EPA officials acknowledged that levels of new case initiation were unsatisfactory. At the April hearing, William Sullivan, EPA's Enforcement Counsel, testified: "This is not to say that current levels of new case initiation are satisfactory to me or the Administrator. Disruption due to reorganization, morale problems precipitated by RIF rumors, and other problems have contributed to a temporary decline. Our early emphasis on exploring alternatives to litigation may have been misunderstood by the staff as hostility to litigation or even enforcement itself." [81]

In the Superfund area, EPA requested the Justice Department to amend 16 pending RCRA cases to add Superfund counts; however, no new straight Superfund cases had been referred by EPA to the Justice Department for enforcement until several days before the April 1982 hearing, when one such case was referred. From April through September 1982, 11 such cases were referred, eight of which were on September 30, the last day of the fiscal year.

In their work plans for the FY 1982 budget, EPA's regions projected that they would submit over 300 case litigation reports for the fiscal year beginning October 1, 1981.[82] By mid-February 1982, however, less than 10 percent of the projected cases had been received by EPA headquarters. Realizing that this left the agency's enforcement program open to further criticism, the Administrator's Chief of Staff initiated calls to the 10 regional administrators in late February and gave them a specific quota of litigation case reports to be submitted by the end of March which would approximate one-half of the projected 300 cases for the fiscal year. However, very few cases were received from the regions during March because they simply did not exist in the enforcement pipeline.

Mr. Sullivan testified that EPA had overestimated its projection of 300 case litigation reports for FY 1982. He said that the agency would not have the number of referrals it has had in the past in the water and air areas, but that he anticipated a number of hazardous waste case referrals "before this year is out and we are working hard on them and this will come quickly." [83]

---

[80] July 29, 1981 hearing, "Superfund Oversight," Subcommittee on Commerce, Transportation, and Tourism, Serial No. 97-72, at 184.
[81] Apr. 2, 1982 hearing at 337.
[82] Staff interview with John Daniel, EPA's Chief of Staff, Mar. 25, 1982.
[83] Apr. 2, 1982 hearing at 328-329, 341.

Indeed, EPA did overestimate its projection of 300 case litigation reports for FY 1982. During the fiscal year, a total of 124 cases were referred from the regional offices to headquarters—119 of which were submitted during the last six months of the fiscal year, April-September 1982. During FY 1982, a total of 100 civil cases were referred from EPA headquarters to the Department of Justice—88 of which were forwarded during the last six months of the fiscal year. This compares to 116 cases referred to the Justice Department in FY 1981, and 200 in FY 1980. Interestingly, 16 percent of EPA's civil case referrals to the Department of Justice in FY 1982 were made on September 30, 1982, the last day of the fiscal year.

Between Fiscal Years 1980 and 1981 in the area of hazardous waste enforcement, civil case referrals from EPA to the Justice Department under RCRA and Superfund declined from 46 to 8, an 82 percent reduction. In FY 1982, the agency demonstrated progress in increasing its civil case referrals under RCRA and Superfund to 29 cases. Approximately 45 percent of these hazardous waste cases were referred on September 30, 1982, the last day of the fiscal year. This "hurry-up referral process" raises the question of whether the recent case referrals are quality cases from a rehabilitated enforcement pipeline or whether they merely reflect a "bean counting" effort in response to the quotas that each region was given in late February 1982 by the Administrator's Chief of Staff.

The mere referral of cases to the Justice Department without the subsequent timely filing and prosecution of these cases by the Department of Justice neither deters environmental pollution nor achieves enforcement results. The Subcommittee is concerned with the quality of referrals and the considerable disparity between the number of referrals by EPA to the Justice Department and the actual number of cases that are filed in U.S. District Courts. In calendar year 1981, EPA referred 78 civil cases to the Department of Justice. As of early October 1982, only 35 (45 percent) of these case referrals had been filed in U.S. District Courts. And only 28 percent of the civil cases referred by EPA to the Justice Department during the first six months of calendar year 1982 have been filed in Federal Court.

EPA's enforcement effort during the first 14 months of the Reagan Administration came to a virtual halt and created a widespread perception that the agency lacked a strong enforcement arm. The Subcommittee will continue to evaluate the actions the agency takes to dispel its poor enforcement image, including its progress in civil litigation efforts as well as other enforcement indicators and the timeliness of filings by the Department of Justice.

B. CONTINUAL REORGANIZATION OF ENFORCEMENT PROGRAM, MID-1981 TO MID-1982

To understand the situations and events that led to the decline in enforcement activity, it is necessary to review the evolution of EPA's enforcement program and to contrast the differences in enforcement philosophies between the present and the previous administrations.

Under the previous administration, EPA's enforcement program was structured under an Assistant Administrator for Enforcement and consisted of three offices: water enforcement; general enforce-

```
                                   ENFORCEMENT DOCKET RETRIEVAL SYSTEM
                                             CROSSTAR REPORT
   10/25/83                                                                                  PAGE 001

                                     ALL CASES REFERRED TO DEPT OF JUSTICE
                                     BY FISCAL YEAR AND BY MEDIA (HQ DIVISION)

                               DDFY  DDFY  DDFY  DDFY  DDFY  DDFY  DDFY  DDFY  DDFY  DDFY  DDFY
HEADQUARTERS DIVISIO           74    75    76    77    78    79    80    81    82    83    TOTL


AIR                               0     0     8    12    68   103    78    50    31    60   410

HAZ                               0     0     0     0     2     9    53    12    29    29   134

MOB                               3     5     6    39    54    46    20    14     4     7   198

PES                               0     0     0     0     0     3     0     1     2     7    13

WAT                               0    20    68    92   138    81    55    37    46    54   591

T O T A L                         3    25    82   143   262   242   206   114   112   157  1346

NUMBER OF VALUES OF MODV IS       5
```

NOMINATIONS

THURSDAY, NOVEMBER 10, 1983

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., in room 406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Chafee, Baucus, and Randolph.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator **STAFFORD**. The Committee on Environment and Public Works will please come to order.

Good morning and welcome to the committee. This morning we will consider the nominations of Dr. William Mills to be a member of the Council on Environmental Quality; Mr. Joseph Cannon to be Assistant Administrator at the Environmental Protection Agency; and Mr. Samuel W. Speck, Jr., to be Associate Director of the Federal Emergency Management Agency.

The first nominee we will hear will be Dr. Mills. If confirmed, he will serve on the three-member advisory Environmental Policy Council in the Executive Office of the President. The Council was established by the National Environmental Policy Act of 1969 for the purposes of advising the President, overseeing the implementation of environmental impact analysis, producing an annual report on the state of the environment, and performing other educational and research duties.

Dr. Mills has spent his professional career teaching and conducting research at a number of academic institutions, and as a consultant to industry and the Federal Government on environmental and public health issues. He would come to the Council from his current job as associate professor of environmental and water resources engineering at Vanderbilt University.

Dr. Mills, I want to welcome you to the Committee on Environment and Public Works. Do you have any members of your family here in the committee hearing room?

Dr. **MILLS**. Not today, Senator.

Senator **STAFFORD**. All right. I am delighted that my colleague and dear friend, Senator Randolph, is here.

Senator Randolph, do you have any opening statement this morning?

OPENING STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator **Randolph**. I am pleased to be present this morning as the Committee on Environment and Public Works considers the nominations of three persons to important positions in the Federal Government.

Dr. William L. Mills has been chosen by the President to be a member of the Council on Environmental Quality. Currently associate professor of environmental and water resources engineering at Vanderbilt University, Dr. Mills has a distinguished background in environmental matters. He has experience in both research and teaching, and is the author of a number of scientific articles. I believe that he is an excellent candidate for this position.

Joseph A. Cannon, who previously served as Associate Administrator for Policy and Resources Management at the Environmental Protection Agency, has been nominated to be Assistant Administrator for Air and Radiation for that Agency. Mr. Cannon is a lawyer. His experience at the Environmental Protection Agency and in the field of law will be valuable in his new position, as will be his management expertise. There are several areas of his responsibilities in which I have a special interest, including the improved control of hazardous air pollutants and possible proposals on acid deposition. I look forward to working with him on these areas of concern.

Samuel W. Speck has been named to be Associate Director of the Federal Emergency Management Agency for State and Local Programs and Support. He has served as State senator for Ohio's 20th District since 1977, and served as State representative for the 95th District for some years before 1977. His extensive experience in State government will serve him well in his new position as Associate Director of the FEMA programs directly related to States and communities, including disaster relief.

I look forward to hearing the testimony of these three nominees.

Senator **Stafford**. All right. Thank you.

Senator Chafee, do you have any comment this morning?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator **Chafee**. I didn't have the opportunity to meet Dr. Mills. He called for an appointment but, unfortunately, we were unable to get together this week.

I am more concerned, Mr. Chairman, about what he is doing with the CEQ. It is my understanding, from the people I talk to, that the CEQ has now become an ineffective, unimportant organization. Now that may sound harsh, but that is certainly the view of the environmental committee.

Why do you want to be part of this organization, Dr. Mills?

Dr. **Mills**. Well, Senator, I don't agree that the Council is ineffective and unimportant. I think that there are some very important contributions that the Council can make to the administration in terms of carrying out its mandated responsibilities, in order to impact and affect the environmental policy coming out of this administration.

Senator **Chafee**. Well, I guess I am launching before you make your statement.

Senator **Stafford**. We will let you self-destruct temporarily.

Senator **Chafee**. I will hold off. Despite my statements on the CEQ, we are glad to see you here, Dr. Mills.

Maybe you can rescue this organization.

Senator **Stafford**. Senator Baucus, do you have any opening remarks?

Senator **Baucus**. No, Mr. Chairman.

Senator **Stafford**. All right. In that event, Dr. Mills, we would be very glad to hear from you.

STATEMENT OF DR. WILLIAM L. MILLS, NOMINATED TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Dr. **Mills**. Thank you, Mr. Chairman. It is an honor to be here today with you to discuss the activities of the Council on Environmental Quality in this administration and my qualifications for service on the Council. I would like to first thank the members of the committee and the committee staff for the time they spent with me prior to this hearing.

The Council on Environmental Quality, as we all know, has statutory responsibility for environmental oversight which includes analyzing and interpreting environmental information, conducting studies, making policy recommendations to the President, reporting on changes in the environment, writing an annual report, and promulgating regulations for the environment impact statement process.

I can bring to the Council on Environmental Quality a scientific and technical background of over a decade of work in environmental protection. I have served as a professor, a researcher, and a consultant both to the governmental, business, and international community on environmental matters. During those years I have been exposed to and very actively involved in a wide range of environmental issues. I have sought to provide some of the answers to many of the complex problems of environmental degradation through research and consultation.

The Council will be called upon to assume a leading role in the formulation of strategies and policies that we must develop as a nation if we are to maintain the quality of our environment, and I hope that my extensive background will be a strong plus for CEQ. The Council was created to provide assistance and advice to the President in matters relating to the quality of the environment, both in this country and internationally. This is the essence of its responsibility.

CEQ must be capable of providing substantive review of complex issues, expert analysis, and advice to the Executive Office of the President. In this regard, adequate budget and staff support is absolutely necessary if the Council is to fulfill its mandated responsibilities. Without adequate budget and staff, the ability of the Council to meet the challenges of providing substantial information and advice to the President, as well as its responsibility for oversight of the National Environmental Policy Act, will be seriously diminished.

CEQ must be able to provide environmental oversight in the broadest sense, while having the capability to conduct detailed, in-depth investigation on serious environmental problems. In this posture it can best meet the challenges of assisting the administration in formulating effective environmental policy. I believe that we must be aggressive in the discharge of our mandated responsibilities to provide this administration with the most accurate and most timely environmental information that we can possibly provide.

There are many critical environmental problems that we have not addressed adequately in the past. Speaking as one whose entire career has been devoted to the pursuit of matters involving the understanding of our national pollution problems and what we must do as a nation to confront them, I believe that we have looked too long at the short term, quick-fix approach to many of these major problems, and we have shown little or no interest in the long term, permanent solutions that we must at some point in our future develop. I think we attempt to rely too heavily on the legislative process, where we look at rules, regulations, and litigation to solve many of the complex environmental problems that can only be addressed effectively with the development of new technology.

Let me for just a minute be more specific and focus on my particular area of interest and expertise to better illuminate the point that I am trying to make. Over the past decade we all have been aware of the awesome threat posed by hazardous waste to the public's health and to our water resources. We have sought to address this problem over the last decade with specific pieces of legislation and a $1.6 billion Superfund. This is a great beginning, but I am afraid we have lost most of our momentum toward developing long-term solutions to solve our hazardous waste management problems once and for all.

There are more than 250 million metric tons of hazardous waste generated each year in the United States, more than 1 metric ton for each American. Each gram of this material must be in some way processed back into our environment in a manner that will not allow it to become a threat to human health or to our national resources. We are long overdue in recognizing this problem and other problems related to the ultimate disposal of dangerous chemicals and materials that we generate in our society.

What we need is increased emphasis on research and development that will lead to new technologies that will completely process this material back into our environment, where all of it at some point must be put. CEQ is an ideal entity for advocating efforts at finding such long term solutions to very difficult environmental problems.

I am here because I firmly believe that we have the talent in this country to develop the required new technology to meet the challenge of providing a decent environment for ourselves and for future generations who will inherit this great land, but we must get about the business of establishing priorities by involving every segment of our society in the decisionmaking process and by providing the resources to allow our eminent scientific community to find the solutions that these problems require.

The Council on Environmental Quality can and must play an increased role in providing advice and assistance to this administration if we are to develop, shape, and implement the policies required to develop long term environmental protection remedies aimed at protecting our environment, to provide the good life for all of us. I am very grateful for the high honor bestowed upon me by President Reagan in nominating me for membership on the Council, and hope I will have the opportunity to serve the President to the best of my ability.

Thank you very much.

Senator STAFFORD. Thank you very much, Dr. Mills.

Are you willing to appear before any committee of the Congress, House or Senate, that might ask you to appear as a witness?

Dr. MILLS. Yes, I would be.

Senator STAFFORD. Do you know of any interest which you may hold or financial interest that you may have that might place you in a position of being in a conflict of interest if you are confirmed to this responsibility?

Dr. MILLS. No, sir.

Senator STAFFORD. I noticed in your testimony, Doctor, that you say there are more than 250 million metric tons of hazardous waste generated each year in the United States. That figure surprised this Senator a bit. Considerably earlier EPA had estimated about 40 million tons annually. More recently they raised their estimate to approximately 140 million tons.

Either now or for the record, it would be appreciated if you could advise on the factual basis on which you make the statement there are 250 million tons. My question is not designed to say that may not be so, but we would like to see the basis of your statement.

Dr. MILLS. OK. I can provide that for you.

Senator STAFFORD. Can you do that for the record?

Dr. MILLS. I will be very happy to provide that for you, Senator.

Senator STAFFORD. All right. The quicker the better, so that we can proceed with reporting your name to the Senate.

[The information requested follows:]

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., November 10, 1983

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: I am writing to provide for the record information you requested about hazardous waste at my confirmation hearing today.

Extensive studies conducted by the Center for Environmental Quality Management at Vanderbilt University and the Congressional Office of Technology Assessment estimate the yearly generation of hazardous wastes the United States to be 250 Million Metric Tons.

The yearly production estimate from EPA of hazardous wastes is 150 Million Metric Tons.

The difference in the two amounts is due to EPA's omission of state figures on hazardous waste generation at State and local levels. In addition, EPA's figures are preliminary estimates that are still being refined to reflect total generation of hazardous wastes as required under the Resource Conservation and Recovery Act of 1976.

The 250 million metric ton estimate is supported in the Congressional Office of Technology Assessment's March Report on Hazardous Wastes and its Love Canal Report.

Sincerely,

WILLIAM L. MILLS, Ph. D.

Senator STAFFORD. The Chair is going to reserve the right to all Senators, as to this witness and the next two, to submit questions in writing if Senators desire to do so. Is that agreeable to you, Mr. Mills?

Dr. MILLS. It is.

Senator STAFFORD. All right.

In the past each of the Council members have designated a specific environmental problem area as their professional focus. What problem area do you intend to focus on, and what would you like to accomplish in this area as a member of the Council?

Dr. MILLS. I would like to focus on the problem of hazardous waste disposal and the development of new technologies that might allow the waste disposers in this country to look at ultimate disposal. Also, I am very much concerned with ground water monitoring and the potential problem of major ground water contamination from poorly disposed hazardous waste, in terms of landfill and other types of disposal.

Senator STAFFORD. I assume you would also include deep well injection in that area, too?

Dr. MILLS. Yes, I would.

Senator STAFFORD. I am interested in your views on the importance of the functions of the Council on Environmental Quality and the contributions that you would like to make to these activities. The Council has served to formulate policy, monitor agencies' compliance with Federal laws, and provide information on environmental quality trends. The emphasis placed on these responsibilities has varied during each administration.

What do you feel is the appropriate and distinct role for CEQ in the current administration, and which responsibilities should be emphasized? Second, what steps would you like to take to encourage the Council's fulfillment of its environmental role?

Dr. MILLS. I would like to see the Council, under this administration, conduct vigorous studies and investigations to advise the administration on many of the options that must be considered in the selling of environmental protection policy. The problem with inadequate staff and inadequate budget would be one that must be addressed before the Council can expand its role and become more visible and more aggressive in carrying out its duties. As some of you may know, the budget of the Council has been cut very drastically over the past 2 years. Because of these budget cuts, the Council is not able to be aggressive in the pursuit of its mandated responsibility.

Senator STAFFORD. Thank you very much, Dr. Mills.

Senator Randolph?

Senator RANDOLPH. I believe, Dr. Mills, that I have no specific questions at this moment.

Mr. Chairman, I think perhaps it might be appropriate for the record to indicate how the Environmental Protection Agency came into being. That was in 1970 and you were not even with us at that time.

Senator STAFFORD. I was over on the other side of the Capitol.

Senator RANDOLPH. That's right. You were moving this way.

However, most people think there was a law passed that created the Environmental Protection Agency. That is not so. I look back often and think of those hearings and the work of Roy Ashe and others.

I am going to ask, Mr. Chairman, a member of our staff just to go back very quickly, because of the nominees that are coming from the administration for positions in EPA, and give us a very quick look back at the time this committee was holding hearings.

Would you do that, Phil? Would you do it, please? You can sit here, if that is agreeable to the chairman.

Mr. CUMMINGS. Yes, sir. Of the two agencies for which we have nominees this morning in the environmental area, one is Dr. Mills for the Council on Environmental Quality. That was a creation of statute, the National Environmental Policy Act and the National Environmental Improvement Act, passed in 1969 and 1970. The Environmental Protection Agency was created by a reorganization plan in 1970.

Both of those involved extensive hearings by this committee, first on the issues of creation and organization, and second on the initial nominees. In 1970 the committee had extensive hearings on Mr. Ruckelshaus' nomination and also on the first panel of nominees to CEQ.

Senator RANDOLPH. Thank you very much.

Thank you. I have no further questions, except that there might be something, Mr. Chairman, I would give to Dr. Mills in writing, but I know we need to move from one witness to another.

Senator STAFFORD. Thank you very much, Senator Randolph.

Senator RANDOLPH. I did talk with Dr. Mills informally in his courtesy calls that he made and I was, of course, impressed by his knowledge.

Senator STAFFORD. Thank you.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman. Dr. Mills, as I noted before I think that CEQ has fallen on hard times. Certainly its public reputation and influence has not thrived in the past several years. Maybe you can reinvigorate it, but certainly it does not hold the status or influence, nor does it seem to try to, from my knowledge sitting in this committee. We get fairly familiar with these matters. It hasn't tried to exert its influence.

Let me ask you a question. Under the act the duties of the CEQ are to gather information concerning conditions and trends in the quality of the environment, both current and prospective, analyze and interpret such information to determine whether such conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in subchapter 1. Subchapter 1 deals with environmental impact statements.

My question to you is, How do you feel about the environmental impact statements? There seems to be emerging utilization of what we call environmental assessements, as opposed to the more detailed environmental impact statements. Could you give us your thoughts on those?

Dr. **Mills**. The environmental impact statement is very important in the overall scheme of the National Environmental Policy Act. The impact statements, as you know, are designed to indicate to the Federal Government what the impact of the use of Federal funds is on the environment in terms of activities that might involve construction or modification of structures. Any Federal activity that might have a direct effect on the environment must be certified through an investigative process. That process, reporting, is viewed as an impact statement.

Environmental assessment is very similar to an impact statement, where one is able to assess whether there is a likelihood of any environmental impact, but the impact statement measures in a detailed way what that impact will be. We often know that an activity won't have any impact at all on the environment, and so it is not necessary to go through a detailed process of writing out a statement that essentially says there is no impact. Therefore, you do an assessment which is a modified form of that process.

Senator **Chafee**. Yes, but isn't it a shortcut.

Dr. **Mills**. Well, it is a shortcut in the sense that you already know that there will be no obvious environmental impact, so rather than go through that long, drawn-out, detailed process, we can shorten that by doing an assessment of what the impact would be, and it is usually negligible when we do an environmental impact assessment.

Senator **Chafee**. Well, I am not sure that is what the law is, but I don't want to get into back and forth on this at this time.

All I can say, Dr. Mills, is I hope you will put some energy into this organization and return it to the position it had and should have. As you noted in your statement, there have been severe budget cuts; the personnel have been reduced. It is but a shadow of its former self, and that is only going to change if the organization itself indicates it cares and is concerned. Certainly it hasn't indicated that to us up here, at least to me. Maybe it has to others on the committee.

Therefore, it seems to me that you have the qualifications, clearly, from your background. What is required is an energetic input into that organization to have it carry out the roles that have been assigned it under the law.

Dr. **Mills**. We are excited about the opportunity to work with the Council, and the Council is excited about its future. Despite the budget cuts, we think we can hang on until we have another opportunity to impress upon the Congress the critical manpower and budgetary needs of the organization.

Senator **Chafee**. Well, they haven't made a very vigorous effort to do that so far. Maybe you can convey that to your chairman or others associated with the organization.

With that sendoff, I wish you good luck in your job.

Senator **Stafford**. Thank you very much, Senator Chafee.

Senator Randolph?

Senator **Randolph**. Well, Senator Chafee, it is not the Congress they need to impress, is it? It is the Office of Management and Budget, isn't it?

Senator **Chafee**. Well, Congress, sure, every organization has to wrestle with OMB, but also I think that after all, we approved the budget. We authorized the budget for CEQ, and we have gone along with the cuts because nobody seems to care very much, even those in the organization. I think that is unfortunate.

All I can report to you is, in the community where you have a constituency, namely in the environmental community, the regard and respect for the CEQ has declined dramatically over the past several years. I hope you can reverse that.

Dr. **Mills**. We will try our best, Senator.

Senator **Chafee**. Thank you.

Senator **Stafford**. Thank you, Senator Chafee.

I think it is worth noting that probably CEQ in its present form wouldn't exist were it not for the exertions earlier of this committee and our counterpart committee over in the House, which kept it notwithstanding some of the pressures to get rid of it.

Therefore, I join Senator Chafee and, I am sure, Senator Randolph, Dr. Mills, in the hope and the wish that you can bring a new energy to the committee.

Dr. **Mills**. Thank you very much.

Senator **Stafford**. Thank you very much, Dr. Mills.

After consulting with Senator Randolph, the Chair is going to reverse the order of the next two witnesses because a distinguished Member of the U.S. House is here, Congressman Clarence Miller, an old friend of this Senator. He wishes to, quite properly, introduce the next nominee, Mr. Samuel W. Speck, Jr.

Therefore, Congressman, if you and Mr. Speck would come forward, I guess I should refer to the nominee as Senator Speck, since he is a member of the Ohio State Senate, as I understand it. Congressman, we are very delighted to have you over here and we would be pleased to hear from you.

STATEMENT OF HON. CLARENCE E. MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. **Miller**. Thank you. Thank you, Senator. It appears that we are among old friends.

I am honored, Mr. Chairman and members of the committee, to introduce to the committee Samuel W. Speck of New Concord, Ohio, who has been nominated by the President to serve as the Associate Director for State and local programs at the Federal Emergency Management Agency.

Mr. Speck is well qualified to serve as FEMA's Associate Director for State and local programs. He received his BA in political science, with minors in economics and geology, from Muskingum College, and he earned master's and doctorate degrees in government from Harvard University, where he was a Danforth, Woodrow Wilson, and Strong Scholar. He also was a Rotary Fellow at the University of Zimbabwe.

For nearly 20 years Mr. Speck has taught government in Muskingum College and Franklin and Ohio Universities, where he has specialized in State and local government. In 1970 he was elected to the Ohio House of Representatives, where he served until he was elected to the Ohio Senate in 1976.

In the Ohio Senate he has chaired the Energy, Natural Resources, and Environment Committee. He also has expertise in public finance, having served some 11 years on the house and senate finance committees. Other areas of service relevant to the responsibilities for which he has been nominated include vice chair of Ohio State Employees Compensation Board; Chair of the State Board of Unreclaimed Strip Mined Lands; membership in the State Power Siting Commission; and Vice Chair of the National Conference of State Legislatures Energy Committee.

Senator Speck has had a distinguished career both as an educator and lawmaker. In addition, he has been involved in business and operated a farm in Ohio. He was the author of Ohio's landmark Strip Mine Reclamation Act of 1972, and more recently Ohio's Public Utility Reform Act of 1982. His work has been recognized by awards from numerous groups, including the Ohio Conservation Society, the Ohio Department of Natural Resources, the U.S. EPA region 5, and the Ohio Environmental Health Association.

I am happy to introduce Samuel Speck, my friend.

Senator STAFFORD. Thank you very much, Mr. Miller. Thank you for coming over here. Your introduction will carry a lot of weight with this committee. We know how busy you are, and in fact we are praying that a continuing resolution will come out of the House in time for both of us to be away from here over Veterans Day tomorrow, so we will understand if you feel you should get back to the other side.

Mr. MILLER. We are hoping it will come out today, Bob.

Senator STAFFORD. Very good. Thank you again for coming over.

Mr. MILLER. Thank you.

Senator RANDOLPH. I would like to greet our friend.

Senator STAFFORD. Oh, yes indeed, please do.

Senator RANDOLPH. I know, Representative Miller, that you have been on the Hill I believe since maybe 1968. I am trying to think back.

Mr. MILLER. Sixty-seven.

Senator RANDOLPH. 1967, yes. You have worked, as we have worked, in degree, on the subject matter, especially the interest that you have for, in this instance, a constitutent who has a very constructive career. Only while you are here, just for 20 or 30 seconds, Muskingum College was mentioned. There is another college in that area called Rio Grande. Is that right?

Mr. MILLER. That is correct, and that happens to be in our congressional district, also in Gallia County.

Senator RANDOLPH. Yes. They had one of the great basketball players of all time there. Do you remember him, anyone?

Mr. MILLER. Yes. Yes, indeed.

Senator RANDOLPH. Anybody remember his name?

Mr. MILLER. Bebo Francis. Francis was the name. Right.

Senator RANDOLPH. Yes, very tall. I remember him very well.

Mr. MILLER. Yes, he was indeed.

Senator RANDOLPH. All he did was just drop the ball into the basket.

Mr. MILLER. Right.

Senator RANDOLPH. This pleasantry with you is to say I don't have the opportunity, as we consider these matters, to see friends of other years. We are delighted that you come and serve in this capacity, to introduce not only a friend but someone who, hopefully, can help us to strengthen the processes of the environment in our country.

Thank you.

Mr. **Miller**. I thank you. Thank you very much, Senator.

Senator **Chafee**. We are glad you are here. You certainly have a well-qualified constituent. I should think there would be some reluctance to lose him from the political sphere out there.

I presume you have to resign the senate, don't you?

Mr. **Speck**. That is correct.

Senator **Chafee**. Well, that is a loss for the party.

Mr. **Miller**. We think so. Yes, indeed.

Senator **Stafford**. I would say a loss for Ohio.

Senator **Chafee**. A loss for Ohio, right. A better phrase. I am so glad to see you.

Mr. **Miller**. Thank you. Thank you very much, if I may be excused.

Senator **Stafford**. Indeed you may.

Mr. **Miller**. Thank you.

Senator **Stafford**. Mr. Speck, do you have any members of your family here?

Mr. **Speck**. No, sir.

Senator **Stafford**. All right. We would be very glad to hear your statement at this point.

STATEMENT OF SAMUEL W. SPECK, NOMINATED TO BE ASSOCIATE DIRECTOR FOR STATE AND LOCAL PROGRAMS AND SUPPORT, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. **Speck**. Thank you. Mr. Chairman and members of the committee, I am Samuel W. Speck, the President's nominee for the position of associate director for State and local programs and support of the Federal Emergency Management Agency. I am honored to have been nominated for this position and I look forward to fulfilling its important responsibilities.

I believe that my experience as an educator and in State government provide the kind of background and perspective that will help me to perform effectively. More particularly, it will help me to understand and appreciate the State and local point of view, and also the importance of working to assure that legislative intent is carried out by the executive branch.

The basic responsibility of the State and local programs and support directorate is protection of the American people from disasters and emergencies. The basic means is through assisting State and local governments to develop and maintain the capability of preventing, reducing the seriousness of, responding effectively to, and recovering from emergencies. The State and local programs and support directorate also serves as the point of coordination for all Federal civil emergency programs impacting upon State and local governments and, in the event of disaster, supplements State and local government activities by administering and coordinating Federal assistance.

These responsibilities are based on a series of statutes, as amended, including the Disaster Relief Act of 1974 that I believe this committee was active in drafting, the Federal Civil Defense Act of 1950, the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, the Atomic Energy Act of 1949, and more recently the Earthquake Hazards Reduction Act. These authorities are vested in the Director of FEMA by reorganization plan 3 of 1978 and Executive Orders 12127 and 12148.

The responsibilities of the State and local programs directorate are divided into three main areas. The first deals with natural and technological hazards programs. It is involved with developing policies and procedures for hazard identification, risk assessment, and mitigation and preparedness planning in a wide range of natural hazards, including earthquakes, hurricanes, flood plain management, and dam safety, and for developing and managing the radiological emergency preparedness or REP program around commercial nuclear powerplants and Government installations.

The second area under the responsibility of the Office of Management Programs focuses on programs to protect populations during civil emergencies.

The third area is disaster assistance, one to which this committee has given particular attention. Here FEMA is concerned with response planning and coordinating and with administering individual assistance and public assistance to State and local governments. It also has activities for hazard mitigation assistance as authorized under several acts, including the Disaster Relief Act of 1974.

The State and local programs and support directorate, as well as the agency at large, is implementing a new strategy for carrying out its assigned tasks. This new approach is known as the Integrated Emergency Management System, or IEMS for short. In brief, it involves a functional approach to protecting the population, to broaden the application of emergency preparedness and response resources to all hazards, and to take advantage of the similarities that exist in planning and response functions for all forms of emergencies. I am excited about this approach because I believe it offers the potential for greater economy and increased effectiveness in all of our population protection programs.

I believe that the State and local programs and support directorate is very important. The safety of literally millions of citizens and the protection of billions of dollars of property may very well rest on the effectiveness of its programs.

If I am confirmed, I plan to give particular attention to a number of areas. With regard to natural and technological hazards, emphasis will be given to assure that our earthquake preparedness programs move ahead, that our flood plain management programs are expedited, both to save lives and property and to reduce the cost of disaster assistance in the future. Particular attention will be given to the REP program, with emphasis on assuring effective evacuation planning around nuclear powerplants.

With regard to disaster assistance, I am interested in working with Congress to fine tune the Disaster Relief Act so that FEMA can be even more responsive and responsible in this program area.

Finally, a word about style. The Federal Emergency Management Agency operates largely on the organizational principle of reciprocity rather than hierarchy. I believe it is important to give unrelenting attention to consulation, cooperation, and coordination with State and local governments, with Congress, and with other executive branch agencies. I further expect to emphasize a continuing program review to make certain that programs on paper are also programs in place and practice.

I want to thank you for your courtesy in expediting my confirmation, and I pledge a readiness to meet with this and other congressional committees on a continuing basis regarding programs for which I have responsibility.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Senator Speck.

Are you willing to appear before any committee of the House or Senate of this Congress that might invite you to come up as a witness?

Mr. SPECK. Most certainly.

Senator STAFFORD. Do you hold any financial interests or have any contractual responsibilities that might develop a conflict of interest to you if you are confirmed in this position.

Mr. SPECK. Mr. Chairman, if I might add an amendment to the financial report which you received, there were some questions about some very modest stock holdings. All of the stock holdings which I had listed on that report have been disposed of, and have been reinvested in mutual funds which should provide no possible conflict of interest.

Senator STAFFORD. All right. Thank you very much, senator.

Mr. Speck, the Disaster Relief Act of 1974 was written in this committee, and over the years the committee has insisted that the act should not apply to situations other than natural disasters and those specifically listed in the act. Other authority should be found to respond to social, economic, or other manmade catastrophes. Do you share this interpretation, and can you assure the committee that you will recommend declarations under the act consistent with that interpretation?

Mr. SPECK. Mr. Chairman, as a legislator for some years I have a strong belief that executives should follow legislative intent, and I would not recommend that the act be used for dealing with what we might call social disasters.

I would add to that that it is my understanding that the Federal Emergency Management Agency has been working with this committee toward some fine tuning of that act, and one of those proposals involves clarifying this. I think that there is a fair degree of consensus between the agency and the committee on the proper approach in this regard, which would make it clear that we would not be doing that except under very narrow limitations in defining the term "emergency." I would certainly support the fine tuning to make certain that we are following the intent of Congress.

Senator STAFFORD. All right.

Two years ago Ralston Purina Co. discharged hexane gas into the sewer system of Louisville, Ky., where it exploded and did about $16 million in damages. Funds from the disaster program were used to help repair the damages, even though this incident was clearly of the type intended to be covered under the new Superfund law. Since that date I have repeatedly urged FEMA to institute a lawsuit to recover its damages. Thus far, no action has been taken. May I have your commitment that, if confirmed, you will seek to cause a lawsuit to recover these costs and see that such suit be filed with no further delay?

Mr. **Speck**. Mr. Chairman and members of the committee, I am able to report that the counsel of the Federal Emergency Management Agency has sent a request to the Justice Department asking that legal action be instituted in this case. I can read that letter to you if the committee would like, or submit it as an addendum.

Senator **Stafford**. I think we might simply make it a part of the record, if there is no objection.

Hearing none, we will do that.

[The letter referred to follows:]

Federal Emergency Management Agency
Washington, D.C. 20472

F. Henry Habicht, II
Acting Assistant General Counsel
Lands and Natural Resources
  Division
U.S. Department of Justice
Washington, D.C. 20530

ATTN: Chip Lawrence
      Environmental Enforcement Section

Dear Mr. Habicht:

The Federal Emergency Management Agency is providing grant assistance to several local governmental entities in Kentucky under the authority of the Disaster Relief Act of 1974. This follows the declaration of a major disaster by President Reagan as a result of the massive sewer explosions in Louisville on February 13, 1981. We are seeking your assistance in recovering Federal funds made available for the emergency repair work necessitated by the disaster.

Starting in 1981, we worked on this matter successively with Kaid Benfield, Richard Lazarus and James Leape of the Policy, Legislation and Special Litigation Section. We understand that upon Mr. Leape's departure from the Department, the matter was transferred to the Environmental Enforcement Section, but that no staff attorney has been assigned to it pending this formal request. We now believe that it would be appropriate to file an action against the party responsible for causing the explosion. The most promising authority for recovery appears to be Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. The attachment to this letter outlines the history of this matter and theories for recovery. There are also a number of exhibits enclosed with the attachment to this letter. Please note that in addition to requesting your assistance in filing the action, we are also asking for your immediate help in discharging FEMA's responsibility in connection with a proposed settlement between Ralston-Purina and one of the local entities which received disaster assistance from FEMA (see Section V of the memorandum).

We have discussed this matter with both Steve Ramsey and Chip Lawrence. Please contact Michael Hirsch (287-0384) of my staff for assistance.

Sincerely,

George W. Jett
General Counsel

Attachment

Mr. Speck. Mr. Chairman, if I might add, it is my understanding also that there has already been some litigation and that the Federal Government has, as a result of that, in some of the settlements reached, been compensated for part of the assistance that was provided.

Senator Stafford. All right. On a little lighter note, I notice in your statement and in our materials several acronyms, without which I guess we would have difficulty in functioning here, but they always remind me of the fact that when I was a junior member of the U.S. House about 20 years ago and Lyndon Johnson had become President, some of the so-called junior moderate Republicans thought we needed some constructive alternatives to the proposals of the President. Therefore, one night after hours of deep thought we came up with some, which we started to call constructive Republican alternative programs until somebody pointed out what the acronym was, and we hurriedly abandoned the idea.

Senator Randolph.

Mr. Speck. I could share some similar ones that we have come up with in Ohio, but I wouldn't want them to appear in the committee proceedings.

Senator Stafford. Senator Randolph?

Senator Randolph. Are you a Canton bulldog? You were born in Canton, weren't you?

Mr. Speck. Yes, Senator, and I have to be a little careful in answering that question because, while my father went to Canton McKinley, my mother went to high school in Massillon, and if you know the rivalry between those two you will know why I don't want to get into that.

Senator Randolph. Great football rivalry. Our Hall of Fame is over there, as you know.

Mr. Speck. Yes.

Senator Randolph. We have several West Virginians in that place.

Mr. Speck. We aim to get the best.

Senator Randolph. I do feel that your background certainly indicates to me that the extensive experience that you had in State government will serve you well in the efforts that you are going to make within the agency in which you will be employed. How many years was that State government experience?

Mr. Speck. I am completing my 13th year in the Ohio Legislature.

Senator Randolph. What area is that?

Mr. Speck. Pardon?

Senator Randolph. That senatorial district, where is it?

Mr. Speck. The nine counties of southeastern Ohio, with 100 miles of Ohio River front in the district.

Senator Randolph. Does that take in Gallipolis?

Mr. Speck. We are not down quite that far. It runs from essentially Yorkville in the northern part of Belmont County, which would be across from the Weirton area——

Senator Randolph. Weirton?

Mr. Speck [continuing]. Yes—all the way down to Belpre, across from Parkersburg.

Senator Randolph. Does it include St. Clairsville?

Mr. SPECK. Yes.

Senator RANDOLPH. Well, I know all that country. We are trying, of course, to work our way out of the depression up and down that valley, as you know.

Mr. SPECK. We share many characteristics, in terms of population and economy of that area, with West Virginia.

Senator, along those lines, former Congressman Bob Secrest asked to be remembered to you.

Senator RANDOLPH. Oh, yes. I served with him in 1933. Is that right?

Mr. SPECK. Yes.

Senator RANDOLPH. I think so, 1933.

Mr. SPECK. That is correct.

Senator RANDOLPH. He is still active, is he?

Mr. SPECK. In fact, in a bit of bipartisan activity I was just——

Senator RANDOLPH. He is a Democrat.

Mr. SPECK. Yes.

Senator RANDOLPH. That's right.

Mr. SPECK. We had an 80th birthday party for him this last Saturday night. I served as the MC for that, and it was at that point that he asked to be remembered to you.

Senator RANDOLPH. I thank you. I remember him so very well: tall and lean, and very fair in all that he did. Thank you.

That will be it for this nominee.

Senator STAFFORD. Thank you very much, Senator Randolph.

Senator Speck, I think we have no more questions. Some members of the committee may wish to submit questions in writing, if that is agreeable to you. I would recommend as early a response as possible because the Chair hopes the committee can act on these nominations next Wednesday.

Mr. SPECK. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much.

The final nominee this morning will be Mr. Joseph A. Cannon. Mr. Cannon has been nominated to serve as Assistant Administrator for Air and Radiation at the Environmental Protection Agency. He is no stranger to this committee. He has served at EPA since May 1981 in various policy-level positions. Prior to that he was engaged in the private practice of law. If confirmed, Mr. Cannon will be responsible for administering the requirements of the Clean Air Act and carrying out the Agency's radiation programs.

As I have said, Mr. Cannon, you are familiar to most members of this committee. I welcome you here for them and look forward to hearing your testimony. Before you begin, I understand you may have some members of your family, your wife Jan and two of your four boys, Brigham and Joshua, here observing the hearings. If I am correct, maybe they would stand up long enough for us and our guests to recognize them.

We are very happy you are here.

I can understand raising four boys in reverse because the Staffords raised four girls.

Mr. CANNON. Maybe we can get together on the recipe.

Senator STAFFORD. I'm afraid it's too late for this Senator.

Senator RANDOLPH. Mr. Chairman.

Senator STAFFORD. Senator Randolph.

Senator RANDOLPH. Mary, my wife, was in welfare work for many years, and was requested to come to the hills where a husband had left the family and there was the wife trying to take care of the children. Mary had to get into her swimsuit and walked across the stream in what we called the "Smoke Hole" region in Pendleton County.

As she approached the hill, this woman was standing there with her hands on her hips, according to Mary's diary, sort of aggressive, wondering what was going to happen. After a little explanation, Mrs. Randolph said to her, "How many children have you?" She said, "I have had three once"—well, of course, that was triplets —"and I have had two twice"—that was two sets of twins—"and then I have had one just lots of times."

That is what Mary's diary says. Mary did some counting and said there were 12 children there running around the yard.

It doesn't hurt to have a little touch of lightness on a day like this. It's a little grim out there.

Thank you.

Senator STAFFORD. Thank you, Senator.

Now, Mr. Cannon, we would be very pleased to hear your statement.

STATEMENT OF JOSEPH A. CANNON, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION, ENVIRONMENTAL PROTECTION AGENCY

Mr. CANNON. Mr. Chairman and Senator Randolph, my name is Joseph A. Cannon. I am delighted to have the opportunity to appear before you as you consider my qualifications to be Assistant Administrator for Air and Radiation of the U.S. Environmental Protection Agency.

For the past 2 months I have served in an acting capacity in this post, and have had ample opportunity to become familiar with the challenges and responsibilities posed in this job. This has been a humbling experience, as I have confronted firsthand the critical importance and technical complexity of the decisions made by EPA's Office of Air and Radiation.

I believe my previous experience at EPA has provided me with valuable insight and technical knowledge to serve effectively as Assistant Administrator for Air and Radiation, the post to which I have been nominated by President Reagan. Since May 1981 I have worked at EPA, first as a special assistant and legal advisor to the Administrator, and then as Associate Administrator for Policy and Resource Management. I served in this latter capacity from September 1981 to July 1983. During my service as Associate Administrator for Policy and Resource Management, I spent close to half of the time I spent on regulatory matters on clean air and radiation protection standards.

Before coming to the agency, I was in private law practice, and prior to that served as a law clerk to a Federal District Judge. Being privileged for the past 2 years to lead what I believe to be the finest policy staff in the Federal Government, I had ample opportunity to develop a grasp for the difficult substantive issues EPA faces in air pollution control and radiation protection.

During my service as the head of EPA's policy office, I played a central role in the development of EPA's lead phasedown rule promulgated in November 1982 to protect the health of children by tightening the standards for lead in gasoline. I also played a role in the development of EPA's emissions trading policy, which has led to increased reduction in air emissions, sizeable savings to consumers and industry, and more imaginative approaches to pollution abatement at the individual plant level. In addition, we developed an integrated environmental management project seeking to understand the effects of intermedia transfer of pollutants on the environment. Should you confirm me in this post, I will build on these experiences to strengthen the effectiveness of air and radiation protection programs.

One of the first lessons I learned at EPA was the importance of relying upon and drawing upon a very strong professional staff. Since my reassignment to the air and radiation programs office, I have sought to strengthen an already able staff. For example, we have taken steps to strengthen EPA's air toxics program staff, and we are also bolstering the policy analysis capability of the Office of Air and Radiation.

As the lead phasedown regulation demonstrates, EPA decisions can have a profound effect on the health of large segments of the American public. It is my personal desire, like that of Bill Ruckelshaus, to put greater emphasis on public health factors in establishing the Agency's priorities. Despite the tremendous progress in air pollution control over the past decade, almost 150 million Americans live in areas that fail to meet health standards for one or more major air pollutants. My top priority would be to improve this situation.

This relatively greater emphasis on such factors as the human health risk of various pollutants and the location of exposed populations should also, I believe, be accompanied by a greater willingness to encourage ingenuity and innovation by plant managers and environmental protection specialists in meeting EPA standards. Despite the great technical depth of our staff, it is clear that we at EPA do not possess a monopoly on know-how in environmental protection.

Where possible, I would hope that our standards would provide regulated industries or localities greater flexibility in meeting strict performance standards. This can be accomplished both through improved analysis of policy options before issuing regulations and by greater reliance upon such economic incentives as the emissions trading initiative. Moreover, the lessons learned in EPA's integrated environmental management study can begin to be translated into a better conceived regulatory policy.

I am also very conscious that we at EPA are not alone in our efforts to protect and enhance the quality of the Nation's air. I intend to improve our cooperation with our partners in State and local pollution control agencies. Much of our ultimate success in controlling air pollution depends on how successful we can help our partner agencies be, and I believe that we must do better in this area in the years ahead.

I hope that I have given you a picture of the priorities I would bring to the air and radiation programs if the Senate confirms me.

Yet in the final analysis, a decision on the qualifications of an individual for this post revolves not merely on technical know-how or political affiliation but upon personal values and the ability to lead the able men and women who comprise the Office of Air and Radiation.

I do have a reasonable grasp of the technical complexities of national ambient air quality standards and of the intricacies of promulgating national emissions standards for hazardous air pollutants, but the public has the right to demand more than mere technical know-how of an appointee to a post that so vitally affects public health and welfare and at the same time the potential economic viability of entire communities.

I am 34 years old, and have earned both undergraduate and law degrees from Brigham Young University. From childhood I was steeped in a family tradition of deep reverence for the environment. For example, my late grandmother, a columnist for Salt Lake City, Utah's "Deseret News" once wrote that my home State, Utah's strength was attributable to the "economic and conservation values of our forefathers and foremothers." An early Utah pioneer, Brigham Young, over a century ago, noted that "The greatest sustainer of life is clean air."

Perhaps it was this same spirit which moved my father to bicycle with me and two of my brothers from our home in Los Angeles across the United States to New York City to visit the 1964 World's Fair. I was struck by the natural beauty and ecological diversity of our Nation, and have been deeply conscious of our need to maintain our environmental heritage.

As we struggle with such troubling issues as toxic air pollutants and acid rain, posing possibilities of lasting environmental harm, substantial uncertainties in knowledge, and potentially disproportionate local or regional impacts, a soundness of judgment and openmindedness are required. I would hope that in my 2½ years at EPA I have displayed these qualities along with a capacity for growth. Among the best judges of my success in these areas would be my coworkers at EPA who have seen me through thick and thin.

Should the Senate see fit to confirm me, I will do my best under the President's and Bill Ruckelshaus' leadership to merit this confidence by building a strengthened and more purposeful Office of Air and Radiation, one which will clearly serve the public interest in protecting and enhancing air quality and reducing radiation risks.

Thank you.

Senator STAFFORD. Thank you very much, Mr. Cannon.

Are you willing to appear before any committee of the House or Senate, of this Congress, that invites you to come before them as a witness?

Mr. CANNON. Yes.

Senator STAFFORD. Do you own any property or have any financial interest or any contractual responsibility that might create a conflict of interest for you in the event you are confirmed?

Mr. CANNON. Unfortunately, no.

Senator STAFFORD. I know the feeling.

Mr. Cannon, a decision by the District of Columbia Court of Appeals on October 11 of this year remanded to the agency certain portions of the so-called tall stack regulation. In general, the court directed the Agency to tighten up its regulations, an action that would have the effect of reducing emissions of sulfur dioxide from utilities that use tall stacks to disperse them.

Can you tell me if you plan to use the court's directive to require needed reductions in SO_2 emissions? This, of course, would be a small step in the direction of reducing the acid rain problem. Or will you and the Agency seek review of the decision by the Supreme Court, thus delaying emission reductions?

Mr. CANNON. I think the decision has been made not to seek review of that decision, but I have to say I am not certain. I can certainly get back to the committee but I think that we are tending not to want to seek review of the decision.

Senator STAFFORD. Would that be made by you or by someone senior to you, or in a different responsibility?

Mr. CANNON. Well, ultimately it would be made by the Administrator, based on a recommendation by myself and the General Counsel to the Agency.

Senator STAFFORD. All right.

About a year ago the Environmental Protection Agency announced that large numbers of General Motors autos were violating the emissions requirements for oxides of nitrogen. In every other case before and since, the Agency has ordered the recall of such nonconforming vehicles, but in this case the EPA instead allowed General Motors to manufacture autos in future years that would supposedly offset the violation. This arrangement was justified on the grounds that the circumstances were unique.

It is our understanding that despite the unique nature of the earlier circumstances, General Motors has sought similar relief in subsequent cases. The bedrock of title II provides, in the Clean Air Act, for compliance by every car. If the every car compliance principle is removed or weakened, then there is no legal basis for recalls of nonconforming cars, application of the 5-year, 50,000-mile warranty, and many other provisions of the law.

My questions here for you are these: What is your view of what the law currently requires with respect to each and every vehicle? Do you think current law is a sound policy?

Mr. CANNON. I can't give you my present view on the exact legal definition of whether it is each and every car. I think there is some view in the agency that it may not apply to each and every car, but since I have met with members of your staff I have asked people on my staff to look into that very issue, and I will be happy to get back to you. I don't have a detailed enough knowledge of title II to know the answer with respect to each and every car.

Senator STAFFORD. I wonder if you could supply us with your views prior to next Wednesday?

Mr. CANNON. Certainly. (see p. 206.)

Senator STAFFORD. All right. The quicker the better, I would say, and comment at the same time on whether or not you think current law is sound policy.

Mr. CANNON. Certainly.

Senator STAFFORD. This question concerns one of the programs under your jurisdiction which is of lesser note, namely the Noise Control Act. The authorization of the Noise Control Act expired several years ago, that is, for funds. Unlike some other laws with lapsed authorizations, there have been no funds appropriated for the Noise Control Act. Therefore, EPA has no legal authority to enforce the law or carry out its duties under the act.

Unfortunately, the Noise Control Act has been construed by a Federal court to be preemptive, so neither State nor local governments are able to regulate noise. It is my personal belief that we should either provide the Federal program with money so it can operate, or we should repeal either the law or its preemptive provisions so State and local governments will be free to act where they might wish to. What are your views on this situation?

Mr. CANNON. We find ourselves in a difficult situation from another perspective on that very issue, and that is that we currently have regulations in force under the Noise Control Act, and we have had at least a tentative opinion—which I have provided the committee staff—from our General Counsel that we may not be able to use any of our funds to enforce or to look at the regulations. We have a broader effort afoot within the Agency, looking at exactly what it is we can do under the Noise Control Act, and I will be happy to provide that to you as soon as it is available.

Senator STAFFORD. All right. Thank you. Thank you very much, Mr. Cannon.

Senator Baucus.

Senator BAUCUS. Thank you, Mr. Chairman.

Mr. Cannon, as I am sure you know, one of the many problems facing the country with respect to air pollution is smoke from woodburning stoves. It is a problem that occurs somewhat in the New England States, but it is a problem which is even greater in many western States. It is greater in western States primarily because of the phenomenon of temperature inversions, and with OPEC price increases many people are turning to alternate sources to heat their homes.

In fact, in some areas of the West, in some communities as many as half of the homes utilize wood in the winter to heat their homes. That means greater pollution, particularly in those areas where there are temperature inversions, that is, where the wind doesn't blow. The fact of the matter is that Denver, Colo. is one such community. In fact, half of the brown cloud I am told is attributable to woodburning stoves, even in the city of Denver.

It is particularly a problem in the State of Montana. Missoula, Mont., is a very beautiful community. It is one of the largest towns in Montana, but it is also a town with greater susceptibility to temperature inversions and therefore wood smoke pollution.

Now it is my hope that you can address this issue when you are confirmed, mostly because it is an issue that I am going to be spending a lot of my time with. Can you tell me what you can do here? Can you set up a pilot project in Missoula, Mont., to study this problem? It is endemic not only to Montana but to all the western States.

Mr. CANNON. I would be happy to commit to whatever the agency is able to do in terms of pilot projects. We know that smoke from woodburning stoves is a problem. It turns out to be the source of some significant pollutants in addition to the particulate, which is one of the problems, but also woodburning stoves are a source of polycyclic organic material, which is a significant pollutant.

It is a difficult problem to deal with at the Federal level because it so uniquely involves the local communities and the individual homeowners with woodburning stoves, but it is a problem that we are concerned about at the agency. I would be happy to work with you and your staff on——

Senator BAUCUS. Well, it is somewhat a local problem but it is also a national problem.

Mr. CANNON. I am not getting into the local versus national issue. I am just saying one of the problems, one of the difficulties in regulation of it would be, it is just a different kind of a problem than the kind we normally have dealt with.

Senator BAUCUS. Well, but still we have thermal powerplants. We have class I, class II, and class III designations, and the restrictions and regulations that apply to a thermal plant are very much Federal issues in the Clean Air Act, as you know, even though those plants are located in particular States.

Mr. CANNON. Sure. I didn't mean to get off on making this not a Federal issue. I am just saying that it is different from the normal kind of issue that we deal with when we pass a uniform standard that affects larger facilities, and that is the only point I am trying to make. We recognize that it is a problem. I am not——

Senator BAUCUS. Could I ask you to give a commitment to me to come to Missoula and bring some experts along with you, in the event you are confirmed?

Mr. CANNON. I would be happy to come to Missoula.

Senator BAUCUS. And look at the problem to give you a better idea of the problems we are facing?

Mr. CANNON. Sure.

Senator BAUCUS. The problems in Missoula, Mont., with respect to temperature inversions are not similar to the problems in Washington, D.C. I mean, we have problems here too with the air but they are different than they are in Montana.

Mr. CANNON. Sure. I grew up in two valleys which have temperature inversions, the Los Angeles Basin and the Salt Lake Valley, both of which have problems with inversions, but I will be happy to come to Missoula.

Senator BAUCUS. I appreciate that. If you could do that, I would appreciate that. In addition, I would like you to explore the possibility and in fact the probability of some kind of pilot project.

Mr. CANNON. I will.

Senator BAUCUS. Thank you very much.

Mr. Chairman, I also would like, if you don't mind, Mr. Chairman, to include in the record an article from the New York Times of November 11 of this year. It states the problem. The title of the article is, "Western States Consider Curbs On Wood Stoves," and there is a photo here of Missoula, Mont. It was taken last year, and it looks like what we sometimes think of the Los Angeles Basin. It is pretty smoggy and cloudy.

Senator STAFFORD. Without objection, we will make that article a part of the hearing record. (See p. 225.)

Thank you very much. We appreciate your appearing here, Mr. Cannon. I would urge you, with the other nominees, to have responses to any questions you were asked before this committee as quickly as possible, because it is the chairman's hope that we will be able to act on all three of these nominations next Wednesday.

Having said that, the committee's meeting is adjourned.

[Whereupon, at 11:25 a.m., the committee recessed, to reconvene at the call of the Chair.]

[Material supplied for the record follows:]

STATEMENT OF WILLIAM L. MILLS
MEMBER-DESIGNATE

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

BEFORE THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE

UNITED STATES SENATE

NOVEMBER 10, 1983

Thank you, Mr. Chairman.

It is an honor to be with you today to discuss the activities of the Council on Environmental Quality in this Administration and my qualifications for service on the Council. I would like to thank the Members of the Committee and the Committee Staff for the time they spent with me prior to this hearing.

The Council on Environmental Quality has statutory responsibility for environmental oversight, which includes analyzing and interpreting environmental information, conducting studies, making policy recommendations to the President, reporting on changes in the environment, writing an annual report, and promulgating regulations for the environmental impact statement process.

I can bring to the Council on Environmental Quality a scientific and technical background of over a decade of work in environmental protection as a professor, researcher, and consultant. During those years I have been exposed to and actively involved in a wide range of environmental issues. I have sought to provide answers to some of the complex problems of environmental degradation through research and consultation. The Council will be called upon to assume a leading role in the formulation of strategies and policies that we must develop as a nation to improve and maintain the quality of our environment - and I hope my extensive background will be a strong plus for CEQ.

The Council was created to provide assistance and advice to the President in matters relating to the quality of the environment, both in this country and internationally. This is the essence of its responsibility. It must be capable of providing substantive review of complex issues, expert analyses, and advice to the Executive Office of the President. Adequate budget and staff support is necessary to fulfill the Council's mandated responsibilities. Without adequate budgetary and staff support, the ability of the Council to meet the challenges of providing substantive advice to the President and oversight of the National Environmental Policy Act will be seriously diminished. CEQ must be able to provide environmental oversight in the broadest sense while having the capability to conduct detailed, indepth investigations on serious environmental problems. In this posture, it can best meet the challenges of assisting the Administration in formulating effective environmental protection policy.

I believe we must be aggressive in the discharge of our mandated responsibilities to provide this Administration with the most accurate assessment of the state of our environment as possible.

There are many critical environmental problems that we have not addressed adequately over the past decade. Speaking as one whose entire career has been devoted to the pursuit of a better understanding of our national pollution problems, and our efforts to solve them - I believe that we have looked too long at the "short term quick fix" approach to these major problems and we have shown little or no interest at all in long-term permanent solutions. I think we attempt to rely too heavily on legislation, rules, and litigation for solutions to environmental decay and far too little on long term research and development of new pollution control technology.

Let me, for a minute, be more specific and focus on my particular area of interest and expertise to better illuminate this point. Over the past decade we have been aware of the awesome threat posed by hazardous wastes to the public's health and our water resources. We have sought to address this problem with several pieces of legislation and a $1.6 billion Superfund. This is a great beginning but I'm afraid we have lost much of our momentum towards developing long term solutions to the problems of hazardous waste management.

There are more than 250 million metric tons of hazardous waste generated each year in the United States - more than one metric ton for each American. Each gram of this waste must be processed, in some fashion, back into our environment in a manner that will not pose a threat to human health or our resources. We are long overdue in recognizing the problem of ultimate disposal of hazardous wastes and the research support needed to develop new technologies. CEQ is an ideal entity for advocating efforts at finding long term solutions to such problems.

I firmly believe that we have the talent to develop the required new technology to meet the challenge of providing a decent environment for ourselves and for future generations who will inherit this great land. But we must get about the business of establishing priorities, by involving every segment of our society in the decision making processes and by providing resources to allow our eminent scientific community to find the solutions these problems require.

CEQ can play a major role in providing the advice and assistance this Administration needs to shape policies aimed at long-term environmental protection and the good life for us all.

I am very grateful for the high honor bestowed upon me by President Reagan in nominating me for Membership on the Council and hope I will have the opportunity to serve the President to the best of my ability.

DR. WILLIAM L. MILLS, *Associate Professor of Environmental Engineering and Special Assistant to the Dean*

BS, Alcorn State University, 1967; MS, Tuskegee Institute, 1969; PhD, University of Kansas, 1973.

Dr. Mills has served as consultant to industry and the Federal Government on matters of environmental health and opportunities for minorities. He has conducted major research for the U.S. Environmental Protection Agency and the Energy Research and Development Administration. Dr. Mills is a member of several scientific societies and has published several research reports on bioassay monitoring for occupational health. He has served as a consultant to NATO on Hazardous Wastes Management. Dr. Mills has served as expert lecturer in industrial health and safety programs for the Ministry of Occupational Health in both England and France. He is actively involved in research and training program development for EPA and OSHA. He is also Director of the Minority Engineering Program at Vanderbilt University.

Dr. Mills was recently appointed to chair The President's Committee on the National Medal of Science by President Ronald Reagan. The appointment is for two years.

VITA

Name: WILLIAM LOUIS MILLS

Current Business Address:
Box 6156, Station B
Vanderbilt University
Nashville, Tennessee 37235

Date and Place of Birth: November 20, 1944; Mobile, Alabama
U.S. citizen

Marital Status: Married to the former Rosaline Patricia Harris

Children: William L. Mills II, Rosaline Patrice Mills

Education: Ph.D., University of Kansas, Lawrence, KS, 1973 (with Honors, Environmental Health Science & Engineering , Department of Civil Engineering, School of Engineering).

M.S., Tuckegee Institute, Tuskegee, AL, 1969 (with Honors, Biological Sciences, Department of Biology, Graduate School of Arts and Sciences).
Matriculated 1967-1969

B.S., Alcorn State University, Lorman, MS, 1967 (Magna Cum Laude, Biological Sciences, Department of Biology, Division of Arts and Sciences).

Research and Teaching Experiences:

1977-Present
Associate Professor of Environmental and Water Resources Engineering, Vanderbilt University, Nashville,TN.

1973-1977
Associate Professor of Environmental Health Sciences and Engineering, North Carolina Central University, Durham, N.C. Duties: Involved teaching undergraduate and graduate courses in environmental health sciences along with the supervising of several graduate students (master level) in their research. During the academic year, I was able to do my own research (funded by EPA #R-803009-01) and supervise high ability undergraduates in their research efforts in my laboratory.

1971-1973
Research Assistant and full-time graduate student in the Department of Civil Engineering, University of Kansas, Lawrence, KS.

Research and Teaching Experiences:	1969-1971 Instructor, Department of Biology, North Carolina Central University, Durham, N.C.
	1967-1969 Research Assistant and full-time graduate student at Tuskegee Institute's George Washington Carver Foundation.
Scholarships, Fellowships and Awards:	President's Scholar, Alcorn State University, 1964-1967.
	George Washington Carver Fellow, Tuskegee Institute, 1967-1969.
	NASA Biospace Technology Training Program Fellow, Wallops Island Project, Summer 1968.
	AEC Fellow, University of Kansas, 1970.
	University Fellow, University of Kansas, 1971-1973.
	ERDA Research Associateship, University of California (Lawrence Livermore Laboratory), Summer 1976.
Honors and Society Memberships:	Who's Who in American Colleges and Universities, 1967
	Alpha Kappa Mu
	Beta Kappa Chi
	Outstanding Young Men of America, 1971, 1977.
	Chancellor's Cup for Outstanding Teaching - Vanderbilt, 1980.
	Many professional and scientific societies and organizations
Administrative Experience:	1977-Present Special Assistant to the Dean, School of Engineering, Vanderbilt University
	1977-1979 Director of the Vanderbilt-Fisk University Dual Degree Program in Science and Engineering
	Summer 1978, 1979 Director of the Pre-Engineering Summer Research Program, Vanderbilt University
	1972 Associate Director of the Summer Institute for High Ability High School Minority Pre-Engineering Students, University of Kansas

Consulting: Consultant to Western Electric in Industrial Hygiene and Occupational Health and Safety and more recently to the following: Bell Helicopter Textron, U.S. Pipe and Foundry, Caterpillar Tractor Company, Proctor and Gamble, Standard Oil of Ohio, City of Durham, North Carolina, Pacific Gas and Electric, Ministry of Health and Industrial Hygiene, Great Britin, Ministry of Occupational Health, France, NATO-Advance Group on Toxicology.

Publications: Mills, W.L. and Henderson, J.H.M., "Further Identification of Flavonoid Compounds in Avena," *Journal of the Alabama Academy of Science*, vol. 39, 1968.

Mills, W.L., "Mercury Toxicity to Selected Protozoa," *Journal of Protozoology*, vol. 20 (4): 497, 1973.

Mills, W.L., "Environmental Biology," *Journal of College Science Teaching*, vol. 4, no. 1, p. 138, 1974.

Mills, W.L., "Simple Laboratory Studies on the Effects of Mercury of *Amoeba proteus*," *Journal of College Science Teaching*, vol. 5, no. 2, 1975.

Mills, W.L., "Water Quality Bioassay Using Selected Protozoa, I, "*Journal of Environmental Science and Health*, vol. 11A, no. 7, 1976.

Mills, W.L., Bioassaying for Water Quality Using Selected Protozoa," *Journal of Protozoology*, vol. 23, no. 2: 26A, 1976.

Mills, W.L., "Water Quality Bioassay Using Selected Protozoa, II. The Effects of Zinc on Population Growth of *Euglena gracilis*," Journal of Environmental Health Science, vol. 11A, no. 8 & 9, 1976.

Mills, W.L., "Biological Principles of Toxic Substance Evaluation: Protozoan Bioassay," *Report, Proceedings of the NATO Advanced Research Institute on In Vitro Toxicity Testing on Environmental Agents: Current and Future Possibilities*, Monte Carlo, Monaco, September 22-28, 1979.

Public Service: Vanderbilt University School of Engineering Explorers Post Advisor. 1979-Present.

Vanderbilt University United Way Campaign, 1980-81 Chairman. Directed a record $100,000 campaign.

Elected to the Board of Trustees of the Watkins Institute. (The oldest private adult education high school in the central south)

Vanderbilt Register, June 25, 1982

In brief

Mills to chair National Medal Committee

William L. Mills, associate professor of environmental engineering, has been appointed chairman of the President's Committee on the National Medal of Science. President Ronald Reagan made the appointment which is effective for two years.

The National Medal of Science Award, established in 1959 and awarded annually, nationally recognizes those who make outstanding contributions in the physical, biological, mathematical, and engineering sciences.

The 12-member committee, representing the major fields of science and engineering, selects medal winners from among recommendations made by national scientific and engineering organizations or by other qualified sources. The president awards the medal in a short ceremony at the White House.

A native of Mobile, AL, Mills earned the Ph.D. with honors in environmental health science and engineering in 1973 at the University of Kansas. He earned his undergraduate degree at Alcorn State University and his master of science at Tuskegee Institute.

Mills is the 1980 recipient of the Chancellor's Cup at Vanderbilt, given annually to the faculty member making the greatest contribution outside the classroom to undergraduate student-faculty relationships.

United States of America
**Office of
Government Ethics**

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by William L. Mills, who has been nominated by President Reagan for the position of Member, Council on Environmental Quality.

We have reviewed the report and have also obtained advice from the Council on Environmental Quality concerning any possible conflict in light of the Council's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Mills is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H Martin

David H. Martin
Director

Enclosure

GV

Page

NOTE

New Entrant, Nominee, or Candidate X

Agency Use Only

9-23-83

OGE Use Only

SEP 29 1983

Last Name

Mills

William L.

Title of Position

Member

Council on Environmental Quality

Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)

Termination Date (If Ap.) (Month, Day, Year)

722 Jackson Place, N.W., Washington, D.C. 20006

202-395-5080

Environment and Public Works

X

None

William L Mills

August 1, 1983

Office of Government Ethics Use Only ➤

David H Martin

6 27-83

Comments of Reviewing Officials (If additional space is required, use the reverse side of this form)

Check box if comments are continued on the reverse side. ☐

NSN 7540-01-070-1444

Page Number 2

Mills, William L.

Agency Use Only

9-23-83

... dependent child receive income from ... a trust? X

... "qualified" trust

X

I have no income from property nor do my spouse or dependent children

Income from employment (W.L. Mills) ('82-'83) (U. of Vanderbilt)		Job		X	$72,666			
(S) Income from employment (State of Tennessee)		Job		X				
Income from employment ('82-'83) [illegible]		consulting		X	$11,052			
Investment Company of America (Mutual Funds)	X			X		H		X
Teachers Insurance and Annuities Association (Retirement Account)	X		X			H		X
Metropolitan Life Insurance	X		X			H	X	
5 Acre Tract of Land (Not income producing) Hickman Co, Tenn			X			A	X	

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number 2 of 3

Reporting Individual's Name
Mills, William L.

Agency Use Only

9-23-83

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	[illegible]
	I have no sales or transactions involving real or personal property											
	nor do my spouse or dependent children											

Page Number ➤ 3	Schedule C
Reporting Individual's Name Mills, William L.	
Agency Use Only	
9-23-83	

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Food and Entertainment

Source (Name and Address)	Brief Description	Value
None		

		Value
None		

Source (Name and Address)	Brief Description	Value
None		

LIABILITIES

Mills, William L.

9-23-83

Page 4

Schedule D

City Bank of Nashville - Nashville, Tennessee

Loan on Property in Deer Creek Estates

X

Vanderbilt University - Nashville, Tennessee

University

Assoc. Prof. of Engineering August 1, 1977 Present

Freightliner Corporation - Portland, Oregon

Consulting on Matters of Occupational Health and Environmental Quality.

RELATIONS WITH OTHER EMPLOYERS

	Parties	Date (Mo. Day Yr)
I will have a leave of absence without compensation or any benefits during my employment with the U.S. Government.	Vanderbilt University Nashville, Tennessee	

BIOGRAPHY

SAMUEL W. SPECK, JR.
PRESIDENTIAL NOMINEE

FEDERAL EMERGENCY MANAGEMENT AGENCY
ASSOCIATE DIRECTOR
STATE AND LOCAL PROGRAMS AND SUPPORT

PROFESSION:

State Senator, Ohio Twentieth District (1977-1983)
Republican Whip of the Ohio Senate
Representing--Belmont, Coshocton, Guernsey, Holmes, Monroe, Morgan Muskingum (part), Noble and Washington Counties
Member of the Finance Committee and Education and Retirement Committee
Former Chairman of the Energy, Natural Resources and Environment Committee (1981-1982).
Member and former Chairman of the State's Unreclaimed Strip Mined Lands Board.
Vice-Chairman of the National Conference of State Legislature's Energy Committee (1982-1983)
Member of Ohio Power Siting Board (1983)
Vice Chairman, State Employees Compensation Board (1981-1982)

LEGISLATIVE SERVICE:

Elected State Representative, Ninety-fifth District, November, 1970, and re-elected in November, 1972 and November, 1974. Member of the Ohio House of Representatives Environment Committee; also member of the Joint Budget Committee and Legislative Service Commission's Prison Study Committee. Member of the Ohio Energy and Resource Development Agency Board. Principal sponsor and author of Ohio's Strip Mine Reclamation Act, Public Utility Reform Act, Equal Pay for Equal Work Act, etc.

EDUCATION:

Graduated from Harvard University (M.A. and Ph.D. in Political Science), Danforth Fellow, Woodrow Wilson Fellow and Strong Fellow. Spent a year in Africa as Rotary Fellow and spent a second year in Africa on Ph.D. field research.

Graduated summa cum laude from Muskingum College where he was President of student body and President of Wesley group. Recipient of Outstanding Junior Award. Junior Class Marshal. Ohio Men's Intercollegiate Oratory Champion. Major in Political Science with minors in Economics and Geology.

Graduate of Louisville High School where he was a class officer. Won first in Ohio and third in the United States in N.F.L. high school debate.

BACKGROUND: Associate Professor of Political Science at Muskingum College; Chairman of Department (1968-1971). Member of American Political Science Association and fellow of African Studies Association. President of the Ohio Association of Economists and Political Scientists (1970-1971).

PERSONAL:
Born: January 31, 1937, Canton, Ohio
Married: The former Sharon Jane Anderson who is a Registered Nurse.
Children: Two sons, Sam and Derek.
Home: New Concord, Ohio

ORGANIZATIONS: Appointed to the African Advisory Council of U.S. Department of State (1972), the Ohio Constitutional Revision Commission (1973), and the National Conference of State Legislatures Committee on Legislative Information Needs (1974-1975).

Member of United Methodist Church. Member of numerous civic and fraternal groups. Included in the 1969 edition of Outstanding Young Men in America and 1970 edition of Outstanding Educators in America.

AWARDS: Recipient of Outstanding Legislator Award for 1971 from Ohio Conservation Society; Conservation Achievement Award of the Ohio Department of Natural Resources; U.S. EPA Region V Environment Achievement Award; Ohio Environmental Health Association Distinguished Award (1982); recognized for legislative work by the League of Ohio Sportsmen and various veterans organizations. Helping Hand Award of the Ohio Society for Crippled Children.

United States of America
Office of Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Samuel W. Speck, Jr., who has been nominated by President Reagan for the position of Associate Director, State and Local Programs, Federal Emergency Management Agency (FEMA).

We have reviewed the report and have also obtained advice from FEMA concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Speck will be in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosure

Federal Emergency Management Agency
Washington, D.C. 20472

October 14, 1983

MEMORANDUM FOR: George Jett
General Counsel

FROM: Samuel W. Speck
Consultant

SUBJECT: Financial Disclosure Report

This is to amend my financial disclosure report. For reasons unrelated to my potential FEMA appointment, I instructed my broker this past week to sell all of my stocks as well as my Merrill-Lynch ready assets account and invest the proceeds therefrom in the Eaton-Vance Tax Management Trust and the American Capital Pace Fund. These transactions should all be completed by early next week.

FINANCIAL DISCLOSURE REPORT

GD

Page 1

☒ New Entrant, Nominee, or Candidate
☐ Termination Report

NOTE
All schedules must be filed. Enter "None" in areas or schedules where appropriate.

Agency Use Only
Date of Filing (Month, Day, Year)

OGE Use Only
[illegible] 28 [illegible]

Name
Last Name: SPECK
SAMUEL W. JR.

Associate Dir., State & Local Programs
FEMA

Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)

Termination Date (If Applicable) (Month, Day, Year)

Ohio Senate, State House, Columbus, OH 43216

(614) 466-8076

Senate Committee on Environment and Public Works

☐ Yes ☒ No

NONE

Signature of Reporting Individual

Date (Month, Day, Year): [illegible] 3, 1983

Opinion
Signature of Designated Agency Ethics Official/Reviewing Official

Date (Month, Day, Year): [illegible] 83

Office of Government Ethics Use Only
OGE Signature: David H Martin

Date (Month, Day, Year): 11-7-83

INCOME AND INTERESTS IN PROPERTY

This schedule is [illegible]

[illegible] X

[illegible] X

Page Number 2		A
Samuel W. Speck, Jr.		

	State of Ohio	Salary				x	43,312	
	Muskingum College, New Concord, OH (1982-83)	Salary			x		8,059	
S	Muskingum College, New Concord, OH	Salary						
	Franklin University, Columbus, OH	Salary		x			1,410	1982
	Mr. T's Pizza, Cols. OH (principle & interest on loan to purchaser of business)			x			1,822	1982-83
	Bimidji State University, Bimidji, MN	Honorariam for consulting	x				500	1/17-18/83
	Martin Ryan Haley & Assoc., St. Paul, MN	Speech Honorariam	x				500	7/20/82
	Ohio State University, Columbus, OH	Speech Honorariam	x				200	1/12/82
	General Electric Corp, Cleveland, OH	Speech Honorariam	x				200	4/15/82
	United Telephone of Ohio	Speech Honorariam	x				200	3/15/83
	Geo Energy, Worthington, OH	Pipeline Right of Way		x			1,161	1982
	1981 State Income Tax Refund		x				292	
	1981 Federal Income Tax Refund			x			3,375	
DC	Hilcrest Landscaping, Cambridge, OH	Salary						

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? ☐ Yes ☐ No or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them, and 4. You do not have knowledge as to the composition of such interest or liabilities		

Page Number	3	Schedule A
Reporting Individual's Name	Samuel W. Speck, Jr.	
Agency Use Only		
Date of Filing (Month, Day, Year)		

Spouse (S) or Dependent Child (DC)	Identification	Income																	Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)										Valuation of Assets (✓)						
		Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	Not more than $100	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount (Only if Other Specified)	Date (Mo., Day, Yr.) (Only if Honoraria)	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
DC	Elwin G. Smith Co., Cambridge, OH							Salary										1982							
	Geo Energy, Worthington, OH							Oil & Gas Royalty									5,342								
	Columbia Gas of Ohio							Gas Royalty									3,655								
	NY State Electric & Gas (Preferred)	x								x									H	x					
	PA. Power & Light (Preferred)	x								x									H	x					
	Transcontinental Gas Pipeline (Preferred)	x								x									H	x					
	Western Union (Preferred)	x								x									H	x					
	Merrill-Lynch (Ready Assets & CIF)	x								x									H	x					
DC	Merrill-Lynch (Ready Assets & CIF)	x								x									H	x					
	Zanesville Federal S & L			x						x															
	College Retirement Equity Fund																		Retirement Annuity			X			
	Teachers Insurance & Annuity Assn.																		Retirement Annuity		X				
	Public Employees Retirement System																		Retirement Annuity			X			

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤	4	Schedule B
Reporting Individual's Name Samuel W. Speck, Jr.		
Agency Use Only		
Date of Filing (Month, Day, Year)		

Report Applicable Transactions, Even if Also Reported on Schedule A

SP, DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	NOT APPLICABLE											

[illegible]

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤ 5	Schedule C
Reporting Individual's Name Samuel W. Speck, Jr.	
Agency Use Only	
Date of [illegible] (Month, Day, Year)	

I. Lodging, Transportation, Food and Entertainment—List each source totaling $250 or more in value

Date	Source (Name and Address)	Value
	NOT APPLICABLE	

II. All Other Gifts—List each source totaling [illegible] in value

Date	Source (Name and Address)	Value
	NOT APPLICABLE	

III. Reimbursements—List each source totaling $250 or more in value

Date	Source (Name and Address)	Value
	NOT APPLICABLE	

SF 278 – Financial Disclosure Report

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.	Reporting Individual's Name Samuel W. Speck, Jr.	Agency Use Only Date of Filing (Month, Day, Year)	Page Number → 6	Schedule D

LIABILITIES

S J DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	NONE						

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Parni's Pizza, Columbus, OH	Pizza Shop	Partner	Jan, 81	Jan, 82
FLS Corporation, Crooksville, OH	Apartment Bldg.	Vice-President	Sept, 79	Nov., 82
Adtech, Inc., New Concord (Business discontinued in 1981)	Rehabilitation Equipment Distributor	President	Sept., 78	Present
Muskingum College, New Concord, OH	College	Associate Professor	Jan, 64	Present

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties
State of Ohio	Salary as state senator
Muskingum College	Salary as college professor

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
NONE		

SF 278 –Financial Disclosure Report
(Rev. 6/81)

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name	Agency Use Only Date of Filing (Month, Day, Year)	Page Number	Schedule
Samuel W. Speck, Jr.		7	D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Amount or Value (✓) $10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
State of Ohio, Columbus, OH	Ohio Senate	State Senator	Jan 1, 1977	Present
Franklin University, Columbus, OH	University	Assoc. Professor	Spring, 1982 term	

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Brief Description of Duties

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)

JOSEPH A. CANNON

401 M Street, S.W.
Washington, D. C. 20460
(202) 382-4332

I. CURRENT RESPONSIBILITIES

Associate Administrator for Policy and Resource Management, U. S. Environmental Protection Agency, September 1981 to Present (in Acting capacity from September 1981 to June 1982).

Manages 300 employee Agency office which functions for EPA as an internal Office of Management and Budget. Responsible for the preparation of budget and substantive regulation review. Supervises activities of EPA's Office of Policy Analysis, Office of Standards and Regulations, Office of Management Systems and Evaluation and Office of the Comptroller. Also has lead responsibility for Agency regulatory reform efforts. Serves as principal EPA liaison with Office of Management and Budget, White House Office of Policy Development, and Organization for Economic Cooperation and Development.

II. PRINCIPAL INITIATIVES IN PRESENT JOB

A. Economic Incentives

Development of an active use of economic incentives including the bubble and emissions trading program to accomplish environmental cleanup objectives. This has involved changing the economic incentives program from an academic or theoretical orientation to a significant operational factor in industrial pollution abatement. Thirty-three bubble applications have already been approved or proposed for approval by EPA with a potential costs savings to industry of approximately 150 million dollars and over 100 additional bubble applications are now under review at the federal or state level. Meanwhile, the bubble and emissions trading efforts have also resulted in significantly greater environmental cleanup than could have occurred under conventional regulatory approaches.

B. Integrated Environmental Management

Development of integrated environmental management approach to enable Agency to move from its traditional pattern of isolated single media (air, water, etc.) regulation to one of analyzing and integrating the cumulative environmental and economic effects of EPA decisionmaking. Has supervised major studies of EPA regulatory activities in such major industries as iron and steel in order to provide the Administrator of EPA with much stronger analytical tools to ensure more cost-effective regulatory approaches. He also designed an integrated environmental management test in Philadelpia of a federal, state and locally coordinated approach to significant environmental problems. These initiatives were featured in a major National Journal article appearing in February 1983.

C. Regulatory Reform

Implementation of a thorough review of EPA's regulations ensuring significant reforms consistent with the Reagan Administration's commitment to regulatory cost effectiveness and economic rationality. He has managed an intensive review of 75 percent of EPA regulations and all of EPA's significant regulations, and has streamlined the regulatory development process.

D. Management Systems

Institution of an integrated management system tying together in one planning process the budget process, the merit pay system performance standards and the Agency's management accountability system. The Management Accountability System is designed to make EPA senior managers accountable for specific tasks to accomplish Agency goals.

Also designed and managed installation of an on-line computer system for desk-side retrieval and transmission of data by key OPRM officials.

III. PREVIOUS EXPERIENCE

Special Assistant and Legal Advisor to the Administrator for Regulatory Reform, U.S. Environmental Protection Agency, May 1981 to September 1981

Associate, Andrews, Kurth, Campbell & Jones, Attorneys at Law, Washington, D.C., March 1979 to May 1981

Associate, Morgan, Lewis & Bockius, Attorneys at Law, Washington, D.C., August 1978 to March 1979

Law Clerk, Judge Aldon J. Anderson, U.S. District Court for the District of Utah, August 1977 to August 1978

Law Clerk, Van Cott, Bagley, Cornwall & McCarthy, Salt Lake City, Utah, Summer 1977

Summer Associate, Morgan, Lewis & Bockius, Washington, D.C., Summer 1976

Law Clerk, Judge J. Robert Bullock, Utah 4th District Court, Summer 1975

Member of the D.C. and Utah Bars

LEGAL EDUCATION

J.D., cum laude, J. Reuben Clark Law School, Brigham Young University, 1977
Scholarship Recipient
Member, Board of Editors - Article Editor, Brigham Young University Law Review
Law School Graduation Convocation Speaker

UNDERGRADUATE EDUCATION

B.A., Political Science, Brigham Young University, 1974
Scholarship Recipient
Member, Blue Key National Honor Fraternity
Participant on Scholarship at Georgetown University's Summer Institute on Comparative Political and Economic System

OTHER ACTIVITIES

Member, Administrative Conference of the United States

Member, President's Task Force on Legal Equity for Women

Member of the Environment Committee, Organization for Economic Cooperation and Development (Paris, France)

Chairman, Advisory Committee to the German Marshall Fund of United States on a Bilateral U.S.-German Exchange on the Use of Incentive Based Pollution Abatement Policies

Member of the Policy Advisory Board of the Program in Environmental Health and Public Policy, Harvard School of Public Health

Reagan-Bush Committee, 1980
Debate Group - Staff Member. Assisted in the preparation and editing of Presidential debate briefing papers
Office of Chief Counsel - Volunteer. Prepared memoranda on various legal matters.

George Bush for President Committee, 1979-1980
Member, National Lawyers Panel. Prepared and assisted in preparation of memoranda on various legal matters.

Republican National Committee 1972, Midwest Regional Coordinator for Voter Registration and Turnout

Outstanding Young Men of America, 1982

Volunteer Missionary for Church of Jesus Christ of Latter-day Saints in Ireland 1968-1970

United States of America
Office of
Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Joseph A. Cannon, who has been nominated by President Reagan for the position of Assistant Administrator for Air, Noise and Radiation, of the Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Cannon is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosure

JL Page

☒

NOTE

Agency Use Only
Date of Filing (Month, Day, Year)
8/10/83

OGE Use Only
AUG 16 1983

Reporting Individual's Name
Last Name: Cannon
First Name and Middle Initial: Joseph A.

Position for Which Filing
Title of Position: Assistant Administrator for Air, Noise and Radiation
Department or Agency (If Applicable): Environmental Protection Agency
Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)
Termination Date (If Applicable) (Month, Day, Year)

Location of Present Office
Address: 401 M Street, S.W., Washington, D. C. 20460
Room Number: 935 West
Telephone No. (Include Area Code): 382-7400

Presidential Nominees Subject to Senate Confirmation
Committee on Environment and Public Works
Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Type of Position and Date(s) Held
Associate Administrator for Policy and Resource Management May 1981 to July 1983

Joseph A. Cannon
Date (Month, Day, Year): 07-27-83

Date (Month, Day, Year): 83

Date (Month, Day, Year): 11-7-83

David H. Martin

(Check box if comments are continued on the reverse side) ☐

8/11/83

If yes, [illegible]

If yes, have you [illegible]

If yes, is [illegible] trust? [illegible] or qualified [illegible]

X

X

Page Number 2

A

Joseph A. Cannon

Agency Use Only

Interests [illegible]

Identification				
7 Andrews, Kurth, Campbell & Jones (from 1/1/81-5/20/81)	salary	x	$17475.98	

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number 3 of 3

Reporting Individual's Name

Joseph A. Cannon

Date of Filing (Month, Day, Year)

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	NONE											

[illegible]

This schedule [illegible] only in the [illegible] reports.

Number of [illegible]	4	C
[illegible] Individual's Name Joseph A. Cannon		
Agency Use Only		
Date of Filing (Month, Day, Year)		

I. Lodging, Transportation, Food and Entertainment—List each source totaling $250 or more in value

Sp/DC	Source (Name and Address)	Brief Description	Value
	NONE		

II—All Other Gifts—List each source totaling $100 or more in value

Sp/DC	Source (Name and Address)	Brief Description	Value
	NONE		

III. Reimbursements—List each source totaling $250 or more [illegible]

S	Source (Name and Address)	Brief Description	Value
	NONE		

LIABILITIES

This sch[illegible] applicab[le] in the case of all reporting individuals.

Joseph A. Cannon

Page Number 5

S or DC	Name and Address of Creditor	Type of [illegible] (e.g., promissory note, margin account) Give date, interest rate and [illegible]	[illegible]
	NONE		

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	[illegible]
NONE, except for Andrews, Kurth, as noted below.			

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE [illegible] applicable only in the case of nominees and new entrants

Source (Name and Address)	[illegible] of Duties
Andrews, Kurth, Campbell & Jones 1747 Pennsylvania Avenue, N.W. Washington, D.C.	Attorney/Associate
Transcontinental Pipeline Corp P.O. Box 1396 Houston, Texas 77251	Attorney

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	[illegible]	[illegible]
NONE		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR, NOISE AND RADIATION

The Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
U. S. Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Thank you for considering my nomination to be Assistant Administrator of the Environmental Protection Agency for Air and Radiation.

Enclosed are my responses to the questions submitted to me during the proceedings.

I look forward to your favorable consideration of my nomination and to working with you and your colleagues on the Committee on Environment and Public Works on these and other issues.

Sincerely,

Joseph A. Cannon

Joseph A. Cannon
Assistant Administrator-Designate
Office of Air and Radiation

Enclosures

Question 1

You had asked whether the Environmental Protection Agency plans to appeal the recent court decision on tall stacks.

Answer

Administrator Ruckelshaus has not yet made a decision whether to appeal.

Question 2

You asked about our authority under Section 207(c)(1) of the Clean Air Act to permit a manufacturer to offset emissions for a class of motor vehicles found to be in nonconformity with emission standards in place of traditional recall and repair, and your interpretation of the "each and every car" requirement.

Answer

The Environmental Protection Agency's General Counsel believes that EPA has the discretion under Section 207(c)(1) of the Clean Air Act to accept a remedial plan requiring future vehicles to attain standards more stringent than otherwise required to offset the emissions caused by the nonconformity. In most instances, we continue to believe the traditional remedy of recall and repair is the most appropriate.

However, in the one instance in which EPA has allowed an offset remedy, no specific defect was identified, and the best repair available would not bring the vehicles completely within standards. Additionally, the repairs would impair fuel economy. In situations such as this, the most reasonable approach, and one not precluded under the statute, is to allow an offset remedy.

The legality of EPA's decision in the General Motors offsets case is now the subject of litigation. If the U.S. Court of Appeals for the D. C. Circuit were to decide that EPA was without statutory authority to permit offsets, serious consideration should be given to a legislative amendment to address unusual circumstances such as the situation the Agency faced in the GM offsets case.

Question 3

You had asked how the Environmental Protection Agency intended to implement provisions of the Noise Control Act when no funds have been appropriated for that purpose.

Answer

My staff is currently preparing an options memorandum for Administrator Ruckelshaus on this issue. I will provide a copy of that memorandum to this Committee as soon as it is available.

Question 4

Senator Baucus described a problem concerning smoke from woodburning stoves in Missoula, Montana, and thought it would provide a good opportunity to initiate a pilot project to study the problem. He invited Mr. Cannon to visit Missoula to inspect the problem.

Answer to Question 4

My staff is working with Senator Baucus' staff to set up a visit for early January 1984. At that time I hope to announce a pilot study on wood smoke. Also, attached is a copy of a "concept memo" that we funded that discusses pollution from wood stoves in Missoula and other mountainous areas.

PEDCo ENVIRONMENTAL, INC.
11499 CHESTER ROAD
CINCINNATI, OHIO 45246
(513) 782-4700
TELEX (513) 782-4907

CONCEPT MEMO

PM10 PROBLEM IDENTIFICATION AND CONTROL IN MOUNTAIN RECREATIONAL AREAS

Prepared by

PEDCo Environmental, Inc.
Suite 215
14062 Denver West Parkway
Golden, CO 80401

Prepared for

October 1983

BRANCH OFFICES

CHESTER TOWERS
DALLAS, TEXAS
KANSAS CITY, MISSOURI
COLUMBUS, OHIO
DURHAM, NORTH CAROLINA

1.0 BACKGROUND

A revised national ambient air quality standard for particulate that would regulate the 10 micron fraction is being proposed. The revised PM10 standard will likely cause several mountain recreation areas who rely on fireplaces for heating and aesthetic values to experience air quality violations of the PM10 standard during winter months.

Little is prsently known about the problem. Technical questions applicable to mountain areas are:

1. What fraction of TSP is PM10 and what are typical maximum 24-hr PM10 concentrations in winter?
2. What is the contribution of wood combustion to PM10?
3. How much does wood smoke contribute to haze?
4. What are the best emission factors to use for woodburning devices and how much error is there in using them in emission inventories?
5. What is the accuracy of dispersion or receptor models and can they be improved?
6. What are the possible control strategies in mountain resort communities in the winter months?

EPA is technically ill-equipped to answer these questions. These questions will be asked by states, counties and resort owners because a nonattainment designation would likely cause consumer backlash due to visibility and/or legally "unclean" air. This lacklash would in turn threaten the total economic base of many jurisdictions from Maine, to Colorado, to Utah and to California. Moreover, concerned citizens and environmentalists will ask the questions because woodburning smoke is primarily in the respirable range, is known to contain carcinogenic compounds, and impairs wintertime visibility. EPA should now develop the data, predictive tools, and innovative control strategies to address this problem.

2.0 TECHNICAL ISSUES

2.1 PROBLEM DEFINITION

Wood energy consumption is rising dramatically. This is particularly true in mountain communities where winters are long, wood is plentiful, and woodburning contributes to the ambiance of mountain living, especially in recreational areas.

The ability of the lower atmosphere to dilute emissions is uniquely limited in mountain valleys. Coupled with the topographic confinement of the valley sidewalls, certain frequently occurring meteorological conditions can cause a small amount of local emissions to create high ambient air quality concentrations. The combination of increased fireplace and stove emissions with the minimum dispersion in the mountain valley communities poses unique problems.

The limited number of studies addressing the impact of woodburning devices on winter particulate concentrations indicate a significant impact from wood combustion.

Missoula, MT:[1,2] Using emission inventory and direct sampling methods, 54 percent of wintertime particulate and 39 percent of wintertime CO emissions in Missoula, MT were attributed to residential wood combustion. In addition, the average contribution to the respirable portion of particulates ranged from 68 to 76 percent.

Portland, OR:[3] Using a novel carbon-14 measurement technique, Cooper, et al., reported fine particulate emissions contributed from residential wood combustion to be 30 μg/m³ or 44 percent of all fine particulates during winter months in a residential area of Portland, OR.

Medford, OR:[4] Vegetative burning, the majority of which is residential wood combustion, was estimated to account for over 30 percent of total suspended particulates and 66 percent of respirable particulates in Medford, OR. The same investigation concluded that residential wood combustion particulate contributions were as high as 126 µg/m³ during one sampling period in late 1979.

Waterbury, VT:[5,6] An ambient air monitoring program conducted during the winter of 1979/1980 in Waterbury, VT, indicated that up to 35 percent of the measured TSP could be due to residential wood burning.

Bangor, ME:[7] A dispersion model was used to estimate that a worst case 24 hour average ambient concentration of up to 100 µg/m³ may be expected for wood particulates in a small Maine community if the entire heating load is carried by wood.

Portland, OR:[8] A gaseous tracer model was used to estimate that about 130 µg/m³ of fine particulate was contributed by woodburning during peak periods.

The high contribution of wood smoke to particulate concentrations is of concern for three primary reasons;

(1) Health hazards
(2) Visibility reductions
(3) Inability to meet likely PM10 standards

2.1.1 Health Hazards

Emissions from residential wood combustion are primarily in the respirable range. Evidence indicates that not only are the fine size particles a health hazard because they are respirable, but that wood smoke contains many hazardous products. Studies by Cooper[9] indicate the presence of 15 priority pollutants, 23 carcinogenic compounds, cancer-initiating or cancer-promoting agents, and other respiratory irritants such as phenols and aldehides (Table 2-1). All of these pollutants are of special concern because the emissions occur in residential areas.

2.1.2 Visibility Reductions

Visibility degredation is primarily related to the concentration of fine particulate in the range of 0.1 to 2.0 microns in diameter. This size range corresponds directly to the particle size distribution of woodburning smoke. While few visibility measurements have been made, visibility degredation during frequent periods in the winter is obvious to even the casual observer.

TABLE 2-1. LIST OF HAZARDOUS SPECIES FOUND IN SMOKE FROM RESIDENTIAL WOODBURNING[9]

Priority pollutants

Acenaphthylene
Fluorene
Anthracene/phenanthrene
Phenol
Fluoranthene
Pyrene
Benz(a)anthracene
Benzo(a)pyrene
Ideno(1,2,3-ed)pyrene
Benzo(ghi)perylene
Dibenzanthracenes
Acenaphthene
Ethyl Benzene
Phenanthrene
Dibenz(a,h)anthracene

Cilia toxic and mucus Coagulating agents

Formaldyhyde
Propionaldehyde
Acetaldyhyde
Isobutyraldehyde
Phenol
Creosols

Carcinogenic compounds

Dimethylbenzanthracene
Benz(a)anthracene
Dibenzanthracenes
Dibenz(a,h)anthracene
Dibenz(a,c)anthracene
Benzo(c)phenanthrene
Benzofluoranthenes
Methylcholanthene
3-methylcholanthene
Benzopyrenes
Benzo(a)pyrene
Chrysene
Dibenzopyrenes
Dibenzo(a,l)pyrene
Dibenzo(a,e)pyrene
Dibenzocarbazoles
Dibenzo(a,g)carbazole
Dibenzo(c,g)carbazole
Dibenzo(a,i)carbazole

Initiating or cancer-promoting agents and co-carcinogenic compounds

Catechol
Phenols
Pyrene
Floranthene

2.1.3 Air Quality Standard Violations

Many moutain recreation areas are experiencing violations of the TSP annual and 24-hour standards due to high concentrations during the winter months. As an example, Colorado monitoring data are shown in Table 2-2. Similar phenomena are being experienced in mountain communities across the country. These areas have not been designated nonattainment areas because of the rural fugitive dust policy.

With the likely passage of a PM10 standard, the nonattainment problem will become more acute. The rural fugitive dust policy will probably be eliminated. Because virtually all woodburning smoke is less than 10 microns in size, because woodburning is becoming much more prevalent, and because woodburning is the primary wintertime source of particulate in mountain recreation areas, nonattainment is more likely with a PM10 standard than with a TSP standard.

2.2 EXISTING DATA BASE

2.2.1 Monitoring

There is very little ambient air monitoring typically performed in rural mountain communities. What little monitoring exists is primarily for TSP. Consequently, existing levels of PM10 are not documented and the relative contributions of wood smoke and other sources are not known.

2.2.2 Emission Factors

Many studies of woodburning emissions have been made. The results have been highly variable depending on wood type, burn rate, woodburning equipment, measurement techniques, etc. The analyst is faced with a plethora of emission factors. No "best" emission factor is apparent.

2.2.3 Modeling

Receptor studies are useful in explaining existing problems. Receptor studies have been successfully applied to tracing woodburning emissions.

Predictive dispersion modeling in mountainousness terrain is extremely problematical. Box models and numerical models have typically been used. Both models are relatively simplistic and should desirably calibrated to local conditions.

TABLE 2-2. 1980-81 TSP DATA FOR WESTERN COLORADO MOUNTAIN COMMUNITIES

Town	Sampler location	Average Annual Geometric Mean ($\mu g/m^3$)		Second Highest 24-Hour Average ($\mu g/m^3$)	
		1980	1981	1980	1981
Vail	Medical Prof. Bldg.	75	62	335	231
Aspen	County Courthouse	80	80	260	247
Steamboat Springs	136 6th St.	134	155*	433	549*
	929 Lincoln		85		291
Crested Butte	470 W. 6th Ave*	119	104*	315	264*
	401 Butte Ave.		25		55
Telluride	231 W. Colorado	100	76	374	252
Rifle	111 E. 3rd. Ave.	156	99	479	411

*Sampler location moved in 1981

Source: Colorado Department of Health, Air Pollution Control Division: Colorado Air Quality Data Reports 1980 and 1981

Note:

Average annual geometric mean in micrograms/cubic meter
Primary standard = 75
Secondary standard = 60

Second highest 24-hour average ($\mu g/m^3$)
Primary standard = 260
Secondary standard = 150

2.2.4 Control Strategies

EPA studies of particulate control have concentrated on summertime exceedances associated with dry/hot conditions. Little study has been performed of control strategies for rural mountain areas because none are nonattainment due to the rural fugitive dust policy.

2.2.5 Summary

Data is not available to EPA to adequately define the problem or to suggest solutions.

3.0 SCOPE OF WORK

Work would proceed in four subject areas:

(1) Monitoring

(2) Emissions

(3) Modeling

(4) Control strategies

It is recommended that at least three mountain valley settings be studied, so that the results can be generalized to other mountain valley airsheds across the country. The following generalized scope of work outlines the basic approach.

3.1 MONITORING

3.1.1 Particulate Monitoring

It is recommended that hi-vol samplers be collocated with the EPA 10 micron samplers of choice at three to five locations in each air basin. The samplers would be operated every two days for a 3-month period producing about 45 sampling days. The sampling pairs would be located cognizant of area type such as downtown areas, residential areas, rural areas near towns, and upwind locations. This would answer the percent of TSP question. The filters will also be used in the modeling phase (see Section 3.3).

Beyond the 24-hr samples, it is recommended that 4-hour PM10 samples be collected during the morning and evening burning periods, midday, and early morning (midnight to 4:00 a.m). This sampling would be resource intensive and would be limited to a 2 to 4 week period at selected sampler locations depending on resource constraints.

Selection of the particle sizing ambient monitor should be made with some care because of its critical importance to the study. Selection parameters include:

(1) Wind speed and wind direction independent

(2) Use a filter media good for XRF, XRD and microscopy techniques

(3) Provide a size distribution of the <10 μm fraction to assist in visibility studies.

3.1.2 Visibility Monitoring

Alternate approaches are suggested for quantifying visibility depending on budgetary constraints. The least expensive approach would involve taking slides four times daily on sampling days. The slides would be subjectively categoried into four groups and the results could be correlated with ambient fine fraction measurements.

A more rigorous approach would be to use transmissometers in conjunction with the photography, and again correlate the data with ambient measurements.

3.1.3 Meteorological Monitoring

Ten meter hourly windspeed, wind direction, temperature, humidity and solar intensity, will be measured at one location in each airshed. The monitoring location should be representative of general flow conditions affecting fireplace emissions. These data will be used during the modeling phase.

3.1.4 Summary

This 3-month monitoring in three basins would be the first data base available to EPA that would allow the agency to adequately define the problem.

3.2 EMISSIONS

The emissions inventory effort would consist of area microinventories, emission inventories, source material samples, infrared photography, and questionnaires.

A microinventory is a standard emissions inventory technique to locate and quantify emission sources within a five mile radius of a monitor. Because of the emphasis on fine particulate, sources of fine particulate at distances greater than five miles will also be inventoried.

Source material samples will be taken of all possible source categories existing in the community to assist in later receptor modeling studies. Typical source samples could include unpaved roads by aggregate type, unpaved parking lots, paved roads, fireplace soot, boiler soot, and other point sources. These source samples will serve as the basis of the fingerprints to be used for source identification.

A key question in the study is the extent of fireplace usage. This will be approached in two ways, with infrared photography and with questionnaires. By photographing from the slopes where a total view of town is possible, several shots may.be taken to encompass the entire town. Each hot-spot in the infrared photo may then be counted as a combustion source. Photos will be taken on sampling days during early morning, midday, evening and late night time periods to understand the cycles of use. Because the sampling days will be both weekday and weekend days, daily variations can also be quantified.

Questionnaries will also be employed. Questions will deal with extent of use, fuel type, and equipment type. These data will assist in quantifying use, and in selection of an appropriate emission factor from the literature.

3.3 MODELING

The choice exists to use either source models or receptor models for this study. The use of source models in such complicated terrain with complex meteorological regimes is problematical. Previous source modeling attempts have centered around the box model and numerical models. These models are relatively simple and contain many meteorological and dispersion assumptions that have never been verified. Verification would be time consuming and expensive because of the need to collect vertical profiles of: temperature, wind speed and direction; and particulate concentrations by size fraction. While tethersonoes could be used for the meteorological data, size fractionation of source samples using tethered balloons is problematical. Such an approach would have to be categorized as research and is beyond the scope of this problem identification/control strategy study.

Receptor modeling has been used with some success in complex terrain. Its meteorological demands are much less rigorous, and with appropriate source fingerprints, can identify source contributions quite well. The number of filters analyzed will be resource dependent. Selection criteria will include:

(1) 24-hour TSP and PM10 samples;

(2) 4-hour PM10 samples taken during the range of distinct meteorological regimes;

(3) Samples from the <10 micron fractionation if available, and

(4) High, low, and average concentrations.

XRF will be performed on the samples with supplemental techniques as appropriate. Receptor modeling will then be used in conjunction with the meteorological and emissions inventory data to determine source contributions under varying conditions.

3.4 CONTROL STRATEGIES

The PM10 monitoring data will indicate the percent reductions needed to meet proposed PM10 standard levels. The receptor modeling studies and emission inventories will indicate source contributions under varying conditions. These data will be the basis of the problem definition.

Potential control measures for fireplaces include:

(1) Equipment related controls
(2) Fuel related controls
(3) Operator related controls
(4) Time and extent of use
(5) Fireplaces per household
(6) Public education on all of the above
(7) Opacity restrictions
(8) Restrictions on coal use

Identification of other significant sources would require other control measure studies.

4.0 MANAGEMENT, SCHEDULE AND RESOURCE REQUIREMENTS

4.1 MANAGEMENT

PEDCo Environmental would be the prime contractor, with a subcontractor to assist in filter analyses and receptor modeling. PEDCo would perform project management work, all monitoring, all emission inventories and all control strategy development and evaluation.

The project would be managed from PEDCo's Denver office, which is near one of the suggested sampling areas (ski areas in Rocky Mountains). Members of this office are skilled in design of monitoring systems, emission inventories, source characterization, SIP development and control strategy development and testing.

During the three month sampling period, one staff member would be assigned to temporarily reside in each of the three study areas. The staff member would be responsible for the 24-hour particulate samples, photography and visibility monitoring. During the 4-hour sampling period, a person would probably be rotated one month at each location to assist the other staff member.

4.2 SCHEDULING

The three month sampling period would extend from approximately January 1 to March 30. Filter analysis and receptor modeling studies would require three to four months. Evaluation, control strategy development and evaluation would require another two to three months. The final report would be submitted in the fall of 1984.

4.3 RESOURCE REQUIREMENTS

Resource requirements to perform the study in three basins would be $125,000 - $175,000, depending on sampling time, visibility studies, and number of filters used in the receptor modeling studies. If the number of basins was decreased from three to two, resource requirements could be reduced by 25 percent. This would, however, decrease confidence in results when extrapolating the data to other areas.

REFERENCES

1. Carlson, J. H. "Wood-Burning in Missoula, Montana: Air Quality Impact, Health Effects and Possible Solutions". (Abstract). Missoula City-County Health Department, MT.

2. Maughan, D. "Comparison of Impact Assessment Methods for Residential Wood Combustion in Missoula, Montana". (Abstract). Montana State Department of Health, Helena, MT.

3. Cooper, J. A. "Assessment of Contemporary Carbon Combustion Source Contributions to Urban Air Particulate Levels Using Carbon-14 Measurements". Environmental Science & Technology, Vol. 15, No. 9, pp. 983-986, September 1981.

4. DeCesar, R. T. and J. A. Cooper. "The Quantitative Impact of Residential Wood Combustion and Other Vegetative Burning sources on the Air Quality in Medford, Oregon". Oregon Graduate Center, Beaverton, OR.

5. Sanborn, C. R., et al. "Preliminary Analysis of the Ambient Impacts of Residential Woodburning in Waterbury, Vermont." Agency of Environmental Conservation, Montpelier, VT.

6. Sanborn, C. R., et al. "Impact of Residential Woodburning on Ambient Quality in a Small New England Village". Paper No. 81-8.2, presented at the 1981 Air Pollution Control Association Annual Meeting. Philadelphia, PA, June 21-26, 1981.

7. Butcher, S. and S. Edmund. "A Study of Wood Stove Particulate Emissions". Journal of the Air Pollution Control Association, Vol. 29, No. 7, pp. 724-728. August 1979.

8. Khalil, M. A. K., et al. "A Gaseous Tracer Model for Air Pollution From Residential Wood Burning." Environmental Science and Technology, Vol. 17, No. 9, pp. 555-559. 1983.

9. Cooper, J. A. Environmental Impact of Residential Wood Combustion Emissions and Its Implications. Journal of the Air Pollution Control Association, Vol. 30, No. 8, pp. 855-861. 1980.

Natural Resources Defense Council, Inc.

1725 I STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20006

202 223-8210

New York Office
122 EAST 42ND STREET
NEW YORK, N.Y. 10168
212 949-0049

Western Office
25 KEARNY STREET
SAN FRANCISCO, CALIF. 94108
415 421-6561

November 16, 1983

Senator Robert Stafford
Chairman
Senate Environment and
Public Works Committee
Washington, D.C. 20510

Dear Senator Stafford:

This is to express my support for Joseph A. Cannon, whom the President has nominated to be Assistant Administrator for Air, Noise, and Radiation at the Environmental Protection Agency.

During a sad period in EPA's history Mr. Cannon displayed three qualities of enormous importance: a willingness to listen, a capacity to learn and to change his views as he learned, and basic human decency. Those qualities, combined with the knowledge and experience he has gained during two and a half years at EPA, make him extremely well qualified to assume responsibility for implementation of some of the nation's most important pollution control statutes.

I and my organization have agreed with Mr. Cannon in the past. We expect that we will disagree in the future, but I am confident that Mr. Cannon will listen to and seek to understand our position and, if we convince him we are right, modify his views.

For those reasons, I warmly endorse Mr. Cannon and urge the Committee to vote to confirm him.

Sincerely,

Jonathan Lash
Senior Staff Attorney

[From the New York Times, Nov. 6, 1983]

WESTERN STATES CONSIDER CURBS ON WOOD STOVES

(By Iver Peterson)

Missoula, Mont. Nov. 3.—The wood-burning stove, a symbol of frugality, independence and a back-to-nature approach to life, has become one of the West's prime polluters and a leading candidate for state and local regulation.

Mountain communities from New Mexico to Montana have found that as wood stoves increase they also cloud the air, hurt business and job prospects and may be impairing children's health.

"It's become a health issue, and so it's also a political issue," said Matthew T. Cohn, owner of a store in Helena that sells wood stoves. "Right now it's pretty much confined to the West, but in time it's going to be an issue across the country, anywhere in the Frost Belt."

In recent years New England has had a marked increase in the use of wood stoves, particularly in Vermont, New Hampshire and Maine, but pollution problems are not yet widespread.

A WARNING BORNE OUT

Seven million to eight million wood stoves have been sold over the past decade, according to industry estimates, since the oil crisis and rising energy costs made homeowners look for cheaper ways to heat. Wood stoves seemed ideal, burning a replenishable energy source, adding a charming note to rooms and beating the power companies.

Environmentalists warned that heating with wood would impose the penalty of pollution, and that penalty is now at hand.

This year Oregon enacted rules governing stoves, committing itself to setting standards on emissions from wood stoves and coal stoves by next July 1, and, beginning two years later, requiring that all stoves meet those standards. Washington State and others are watching how the Oregon law is used.

In Denver in March, a committee to review air quality declared that more than half the city's "brown cloud" of smog, for which most people blamed automobiles' exhaust pipes, came on some winter days from residential stoves and fireplaces.

THREAT TO FIREPLACE SALES

While recognizing that the stoves are "an integral part of Colorado life styles" and "an economic necessity for some people," the committee recommended mandatory emissions requirements "that may eliminate the sale of fireplaces in Colorado."

Similar measures are being proposed in a dozen other Western counties and municipalities. The Oregon move was backed by a labor and industry coalition that argued that air pollution levels exceeding Federal limits because of wood and coal stoves were forcing businesses to close and keeping businesses out of the state.

It is here in Missoula that the problem of residential wood smoke is probably worst. "In the early 70's, the culprits were the pulp and plywood mills," said Elaine Bild, director of Missoula County's Environmental Health Department. "When the E.P.A. forced industry to cut emissions, we saw a decrease in the air quality problem, but after 1975, after the fuel crisis and when people started buying wood burning devices, it began rising."

Today at least half the homes in the Missoula Valley heat with wood. On winter days when cold air is trapped in the valley by warm air at higher elevations, in atmospheric inversions, this city of 63,000 people nearly disappears under a blanket of wood smoke. The smoke blots out the mountains and sends people with respiratory problems to hospitals. Street lights come on.

SURVEY FINDS CHILDREN AFFECTED

"When you're in retail, people come in and gripe," said Scott Sproull, owner of a downtown leather goods shop. "It's like it's part of your job to listen to them, and the two biggest gripes I get are parking meters and wood smoke pollution. I know that people are moving out because of it, and, from a business standpoint, when that happens I think you have to recognize you have a problem."

A four-year study concluded in 1980 that Missoula children's lungs had lower capacities than the average of other Montana children, Miss Bild noted. Although the precise health-related properties of wood smoke remain to be determined, Missoula officials want action now, not health problems in 20 years. The Federal Environmental Protection Agency is working on standards.

Since last winter, the Missoula County Board of Commissioners has been listening to advice, principally from environmental groups and municipal staff members like Miss Bild, on drawing up restrictions on wood burning. There would be fines for people whose stoves repeatedly put out smoke at greater than 60 percent opacity, as measured by the city.

When air inversions threaten or when air quality exceeds certain limits, only people with no other source of heat, people too poor to afford the cost of doing business with utilities and stove dealers demonstrating their products will be allowed to burn wood.

WOOD BURNERS ARE AROUSED

The prospective rules have raised a furor among some wood burners. "Doesn't it bother anybody that it's part of our American heritage to sit down in front of a crackling fire?" Medora Lile, president of an antiregulation group, Woodburners United of Missoula County, asked, "My stove is mine, and that's in my home, and the preamble of the Constitution guarantees domestic tranquillity."

Scott Church, the county air pollution control specialist who will have to enforce the rules, said: "When the power companies start raising your rates, sometimes unfairly, you look for a way to get some control over your life, and the wood stove has been a symbol of that freedom, and I can empathize with that."

"It's all a question of when one freedom ends and another begins, and I think it ends when your smoke rolls down your roof into your neighbor's yard and into his house."

Dan Mattis of Woodburners United expressed the frustration of being told that yesterday's solutions to high energy costs is today's environmental culprit, "They said to us 'conserve, conserve,' and we did it," he said, "and what did we get? We got higher taxes, higher utility rates, and now they're telling us we're polluters."

Mrs. Lile and Mr. Mattis dispute the county's research on wood smoke pollution and argue for better education and voluntary efforts. Voluntary measures were tried for two years, Miss Bild said, and achieved only 30 percent compliance.

The concern about pollution surprised some stove makers and dealers. "A few of us Western dealers explained it all to some Eastern dealers at a seminar and they couldn't believe it," Mr. Cohn said, chuckling. "They said, 'But we're the good guys.' But we told them they'd better get ready for the change, because it's coming."

NOMINATIONS

MONDAY, NOVEMBER 14, 1983

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 2:25 p.m., in room SD-406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the full committee) presiding.

Present: Senator Stafford.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The Committee on Environment and Public Works will please come to order.

This afternoon we meet to hear from nominees for the three remaining Assistant Administrator positions at the Environmental Protection Agency and from the nominee for membership on the Mississippi River Commission.

The EPA positions are important ones. They include the Assistant Administrator for Research and Development, for Toxic Substances, and for Policy, Planning, and Evaluation. The nominees—Dr. Bernard Goldstein, Mr. John Moore, and Mr. Milton Russell—appear to possess exceptional qualifications to serve the agency and the American public. I had a chance to meet with all three of them this morning.

I hope the hearing this afternoon will provide assurances that the three nominees will, indeed, be capable of furthering the important mission of EPA, to protect public health and the environment. We also look forward to hearing from Brig. Gen. Jerome Hilmes.

We hope to be able to act on all pending nominations at the meeting of the Environment and Public Works Committee on Wednesday. I, therefore, am putting my colleagues on the committee on notice that these names will be coming up Wednesday, absent some special situation.

The committee is very happy and honored that our friend and most able colleague, Senator John Tower, is here. We will begin with Milton Russell, Senator, assuming that a rollcall does not force us both to go back and vote, I suggest we go ahead until it is demonstrated that we have to do something else.

STATEMENT OF HON. JOHN TOWER, U.S. SENATOR FROM THE STATE OF TEXAS

Senator TOWER. Thank you very much, Mr. Chairman.

It is a great pleasure to introduce to the committee Dr. Milton Russell who has been nominated by the President to serve as Assistant Administrator for Policy, Planning, and Evaluation in the U.S. Environmental Protection Agency. In my view, this position is of critical importance to the EPA, and Dr. Russell is an outstanding candidate for Assistant Administrator.

Dr. Russell was born in Corpus Christi, Tex., where he grew up. He attended Texas A&I University in Kingsville where he graduated summa cum laude with a bachelor of arts degree in economics. He attended the University of Oklahoma where he earned a master's and doctorate of economics.

For much of his career, Dr. Russell has taught economics, at Texas Christian University in Fort Worth; and at Southern Illinois University, where he became chairman of the economics department in 1967. He had by that time already gained valuable Washington experience by serving as a staff economist at the Federal Power Commission.

By the mid-1970's, Dr. Russell had earned a reputation as an expert in energy economics. If nothing else good came out of the so-called energy crisis of the seventies, it did focus attention on the important interrelationship between the management of natural resources, including the environment, and our economy. The expertise of energy economists like Dr. Russell was at a premium, and in 1974 he was invited to serve as a senior staff economist to President Ford's Council of Economic Advisers.

After 2 years at the Council, he joined Resources for the Future, a Washington-based public policy research institution which for more than a quarter of a century has been engaged in pioneering work in the areas of natural resources and environmental quality. Since 1979, he has been director of RFF's Center for Energy Policy Research. And he has also written numerous articles in the field of natural resources and coauthored five books.

In addition to his teaching, writing, and government service, Dr. Russell has been invited to engage in a number of professional activites which testify to the esteem in which his colleagues hold him. Among these, he has been a member of the board of editors of numerous journals, including Science. He has served as a consultant to a congressional committee, an adviser to the Committee for Economic Development and the Conservation Foundation, and he has chaired committees of the National Research Council of the National Academy of Sciences.

In summary, Mr. Chairman, I believe you have before you today a nominee with considerable knowledge and a deep understanding of energy, natural resources, and environmental protection matters. He has throughout his professional career taught and written a great deal about the issues which will now confront him at EPA. Also, he has valuable senior level government experience. In my view, Milton Russell will make an excellent Assistant Administrator for EPA's Office of Policy, Planning, and Evaluation. I would urge members of the committee to report favorably the President's nomination of Dr. Russell to this very important post.

Senator **STAFFORD**. Thank you very much, Senator. We appreciate your appearing with us, and your recommendation will bear heavily with this committee, I can assure you.

Since there now is a rollcall in progress, the Chair has little choice but to recess the committee again temporarily, and we will resume as soon as I can get over and vote and get back. It would be my intention then, if Senator Bradley can come back, to allow him a chance to introduce the nominee from his State as well.

Senator Tower, we know how busy you are. We will understand if the rest of your affairs keep you from coming back.

Senator **TOWER**. Thank you, Mr. Chairman. I would like to return for the questioning period, but I do have another committee responsibility this afternoon, so I will excuse myself. Thank you very much.

Senator **STAFFORD**. All right. The committee will stand in recess until the call of the Chair.

[Brief recess.]

Senator **STAFFORD**. The committee will please come to order.

We apologize for the fact we have had three rollcalls which have disrupted our afternoon plans. That is nothing new in the U.S. Senate, I might add.

I think the Chair is inclined now for Mr. Goldstein to wait until Senator Bradley can be here and, Mr. Moore, I understand that you may have a problem with transportation. Accordingly, we will go with you at the present time, if you care to come forward.

Do you have members of your family here?

Mr. **MOORE**. Yes. I have my wife here, Susan.

Senator **STAFFORD**. We would like to welcome you on behalf of the committee.

Why don't you go ahead then, Mr. Moore. We have your full statement and we will place it all in the record. You might summarize it or, if it is commendably brief, in the view of a northern New Englander, go ahead and deliver it, whichever you wish.

STATEMENT OF JOHN A. MOORE, NOMINATED TO BE ASSISTANT ADMINISTRATOR, PESTICIDES AND TOXIC SUBSTANCES, ENVIRONMENTAL PROTECTION AGENCY

Mr. **MOORE**. Mr. Chairman and members of the committee, it is an honor to appear before this committee to be considered for the position of Assistant Administrator for Pesticides and Toxic Substances of the EPA.

I have given considerable thought to identifying the key element critical to the successful execution of the duties of this office and have concluded that it can be expressed best in just one word: Trust. There must be a consensus belief that the accomplishments of the programs which are led by the Assistant Administrator are timely, fair, and equitable. I am strongly committeed to implementing such a program.

I will, if confirmed by the Senate, have as my primary responsibilities administration of the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act. Each act requires one to assess risk and benefit in the evaluation of chemicals. I perceive that there is a unanimity of thought concerning the goals to be achieved using these laws.

There is, however, a distinct contrast in the points of view of responsible segments of our society regarding the degree of emphasis to be accorded to those factors that are considered in the risk/benefit equation. It is important in this milieu of disparate viewpoints that everybody have understanding and confidence in an administrative process which is open, consistent, and in which all viewpoints are considered. The bases of a decision reached should be clearly articulated.

The TSCA and FIFRA require the receipt of a variety of scientific and technical data. I plan to ensure that all data represent the current state of knowledge and that they be collected and presented in such a manner that its validity is unassailable. The techniques utilized for data analyses and interpretation will conform with generally accepted practices yet remain flexible to adapt to new techniques which permit better or faster judgments.

I believe there are three aspects of my career that could enhance my ability to successfully execute the position for which I am being considered. First, I am an experienced scientist and a board certified toxicologist who has either conducted or led research on the effects of chemicals or on the methods utilized to detect and assess chemical toxicity.

Second, I have been an employee of the Federal Government 14½ years, which hopefully has afforded me a knowledge of the intricacies and workings of this sometimes formidable bureaucracy.

And finally, I have had the opportunity to manage varied programs composed of talented colleagues and, as a result, have had the good fortune on several occasions to receive recognition for management accomplishments.

I hope that if given the opportunity to work with the dedicated employees of the Environmental Protection Agency, the public trust in the Agency's ability to protect them and the environment from chemical risk will be restored and enhanced.

Mr. Chairman, I am prepared to answer any questions you may have.

Senator STAFFORD. Thank you very much, Mr. Moore.

Do you have any financial interests or any other contracts or contacts that might place you in a conflict of interest position if you are confirmed in this position?

Mr. MOORE. Not that I am aware of, Senator.

Senator STAFFORD. Would you be willing to appear in front of any committee of the House or Senate which might ask you to come before it as a witness?

Mr. MOORE. Yes, sir.

Senator STAFFORD. The actions of your predecessor in office led to a concern among many professional health scientists—and, I might add, in the mind of this Senator—that longstanding and internationally accepted principles of cancer policy were being turned on their head. The result was that it became much less likely that a chemical substance would be called a potential human carcinogen.

I am sure that you must have followed these developments with interest. I would like to know where you stand on these issues. Did you observe what appeared to be changes in established cancer policies? Do you support the traditional, more risk-conservative approach to evaluating animal test data?

Mr. Moore. Senator, my background and experience probably would suggest that I have somewhat of a traditional approach and outlook on how one assesses toxicity of chemicals. I doubt if this committee or any of my colleagues will find any surprises as to how I would approach the interpretation of such data. However, while in some respects I would maintain a more traditional approach, I think I also will try to maintain flexibility to incorporate new procedures that may appear to be better. When one does that, they need to make sure that everybody is fully aware that a change is being proposed and have sound rationale for those changes.

Senator Stafford. I understand you have been shown a letter dated November 7 from Mr. Christopher DeMuth of the Office of Management and Budget to Administrator Ruckelshaus. The letter appears to be an obvious attempt to chill the agency's fledgling implementation of the "significant new use rule" provisions of the Toxic Substances Control Act. These rules are extremely important as a followup to the premanufacture notice program. Far from being too aggressive with these rules, EPA has been far too slow to use its authority in this as well as other parts of the Toxic Substances Control Act.

Can you assure this committee that you are committed to making effective use of the significant new use rule authority and that you will resist pressure to weaken the program?

Mr. Moore. Senator, I am committed to using that portion of the act or any other portion of the act to effectively carry out the requirements of the act.

Senator Stafford. All right, Mr. Moore. Thank you very much. Other members of the committee and the Chair may have some additional questions, I am sure. But I would indicate to you, for the record, as I did earlier today informally, that if you can respond to those questions tomorrow, it would enable us, barring some unforeseen contingencies, to act on your nomination on Wednesday.

Mr. Moore. Thank you very much.

~~Senator Stafford.~~ Thank you very much, Mr. Moore.

Now I see Senator Bradley is here, so, Senator, we welcome you here on behalf of the committee.

It looks as though Mr. Russell, who was nominated first and introduced by John Tower, may end up being last. I hope that won't inconvenience him.

Senator Bradley, you are most welcome in front of this committee. We would be very pleased to hear anything you wish to say about Mr. Goldstein.

STATEMENT OF HON. BILL BRADLEY, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator Bradley. Thank you very much, Mr. Chairman.

I am pleased to be here today to introduce Dr. Bernard Goldstein to the committee. I can think of no better person to head the EPA's Research and Development Office than Dr. Goldstein.

Dr. Goldstein is currently the chairman of the department of environmental and community medicine at New Jersey's College of Medicine and Dentistry. He simultaneously serves as associate professor at New York University Medical Center in their department of environmental medicine and serves also as chief of the Middlesex General Hospital's Division of Environmental and Community Medicine. His list of publications and activities in the field of environmental medicine is far too long to mention here. Dr. Goldstein is eminently qualified to direct our Nation's search to find new ways to deal with the problem of toxic wastes.

But Dr. Goldstein has another quality that makes me extremely pleased to be here today. Dr. Goldstein recently participated in a conference that I sponsored in New Jersey for local public health officials to help them understand the full dimensions of the toxic threats that are plaguing our State. It is these local officials who have to deal on a day-to-day basis with the public fears and who will have to communicate to the public about the progress, or the lack of it, in cleaning up these problems.

Without minimizing the threat, without a lot of jargon, without a patronizing attitude, Dr. Goldstein imparted a great deal of information and made clear how much more there is to be done.

Toxic wastes are an incredible problem for our country and for the State of New Jersey. They threaten our water supplies, they threaten the very lives of our families. We must find better ways to dispose of wastes. We have only just begun to recognize the dangers posed by irresponsible disposal of wastes. Too frequently our response has been to push pollution around from one place to another. When we became concerned about pollution in the air, we devised systems to take out the particulates that used to be burned but ended up in the water. When we became concerned about pollution in the water, we ordered the wastes to be buried in the ground. But the waste hasn't been disposed of. It has only been moved from one place to another.

It will be up to Dr. Goldstein to help us find the new ways of disarming these toxic time bombs without creating new kinds of problems. I am satisfied that Dr. Goldstein has the commitment, the knowledge and the determination to help us meet this challenge. And I am certain that he will also give us straight answers to what needs to be done; straight answers, I might say as well, in plain English and without a lot of excuses. My only regret is that we will miss his services in New Jersey, but I am very pleased that he will be able to serve the entire country, I am sure ably.

Thank you very much, Mr. Chairman.

Senator **Stafford**. Thank you very much, Senator Bradley. Your recommendation will carry much weight with this committee. We are grateful to you for coming here with Dr. Goldstein. We know how busy you are; and if you feel you would like to stay, we would be glad to have you, but we know that you have responsibilities elsewhere and we will understand if you need to leave.

Senator **Bradley**. Thank you very much, Mr. Chairman. I am sure you will see in his testimony and your questions to Dr. Goldstein what I have just stated. And I might say I saw a good omen when I came back into the hearing room after being on the floor for two votes, along with you, 30 minutes later. I see Dr. Goldstein has even reduced the length of his statement. Thank you very much.

Senator STAFFORD. Dr. Goldstein, would you care to introduce the members of your family who are here?

Dr. GOLDSTEIN. Yes, I would. Thank you. My wife Joyce, my daughter Laura, and my son Ross, my mother Mrs. Emily Goldstein, and my father-in-law Mr. Eugene Cohen.

Senator STAFFORD. You are unusually well represented here. I would like to, for the committee, say that all of the members of your family are most welcome to be here. We are glad you are.

Doctor, after Senator Bradley said you have reduced your statement still further, we will be very glad to hear your statement in reduced form. We will place it all in the record. However you would like to proceed.

STATEMENT OF BERNARD D. GOLDSTEIN, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY

Dr. GOLDSTEIN. Thank you, Mr. Chairman. I am, of course, deeply honored to be considered for the position of Assistant Administrator of the Office of Research and Development in the Environmental Protection Agency. As a public health physician, and as an environmental scientist, I have dedicated my career to providing the factual information which will allow us to protect our population and our environment.

I have served as an adviser to EPA on many occasions, and I thought this had provided me with a reasonably good understanding of the research and development program at EPA. However, my experience over the past 2 months while serving as a special assistant to the Administrator showed me this was not the case.

I had developed a long list of ideas and initiatives before I joined EPA. I was very proud to find when I arrived in almost every case these approaches were under way. There is a strength and a depth to the EPA research program which really needs to be communicated and needs to be strengthened.

As a scientist, I believe that in time we will have answers to the questions we are asking now about health and environmental problems. It will be known whether the tiny levels of benzene present in this room really pose a risk of leukemia. We will know a clean way and an appropriate way of getting all sulfur out of coal when we burn it.

Our success in providing such answers is contingent upon the intermediate questions that must be asked along the way and upon choosing the best means to marshal our resources most efficiently and quickly to obtain these answers. I strongly support what Jack Moore has said today about the need that all we do in this area be credible.

One of the major roles of the Assistant Administrator for Research and Development must be that of working closely with the Administrator, the program offices and the regions, as well as Congress and other Federal and local decisionmakers to identify important environmental problems for study and then assuring that the research and development program effectively addresses these problems.

It is not the responsibility of this office to make decisions concerning management of these environmental problems. It is, however, its obligation to provide assessments that reflect only the very best available scientific knowledge.

In the months since the arrival of Bill Ruckelshaus, a momentum has developed in the ORD, an excitement in the laboratories and at headquarters that is translating itself into a renewed dedication to providing the very best that science can offer to the understanding and control of environmental problems. Not all problems have been solved.

We need more young scientists to keep the enthusiasm going that they bring with their training from other disciplines. We need to catch up in terms of our instrumentation and activities. And it is imperative that our scientists have the best and safest working conditions.

There are many tools available for use in providing information about environmental problems. EPA needs access to all of them. Frankly, some of our tools, such as epidemiology, have fallen into disuse. We are also currently in danger of losing skills in the development of control technology. Such trends must and will be reversed.

Environmental science, of course, is not the sole province of EPA laboratories. Much of EPA's historic success has stemmed from a program of cooperative effort between scientists at EPA and those in other laboratories. Of particular importance has been our ties to American research universities. We must continue to enlist the assistance of the academic community by strengthening our cooperative grants and center programs.

Let me close by repeating my observation concerning the momentum that has developed at EPA since the return of Bill Ruckelshaus. I hope to be able to build on that momentum by removing what impediments exist to the performance of research at EPA, by developing a cooperative working relationship with all interested groups in and out of the Federal Government, and by insuring that all of our work meets the highest scientific standards.

I thank you; and, of course, I am prepared to answer questions.

Senator STAFFORD. Thank you very much, Dr. Goldstein.

Do you have any financial interests or contacts or contracts that might result in your being placed in a conflict of interest position if you are nominated and confirmed?

Dr. GOLDSTEIN. The only one is that I am on a leave of absence from the University of Medicine and Dentistry of New Jersey, Rutgers Medical School. I have so indicated to the staff and EPA.

Senator STAFFORD. EPA has been without an official administrator for over 2 years. Not only has this fact created uncertainty within the program offices, but it has also made it difficult for Congress to determine the future direction of the Agency's research efforts and the stability of the commitment to specific problem areas.

Dr. Goldstein, describe what you see as the appropriate future course of the research and development program and what changes you believe need to be made to respond to present and anticipated environmental problems. I would say do it briefly, if you can.

Dr. GOLDSTEIN. I was going to say that would take longer than my total prepared talk.

I think really the focus to an answer of this nature must be where the biggest problems are and where the direction will go. Our biggest problem I think is morale right now. We have, as I say, superb scientists who have in the past few years simply not seen the relationship between what they are doing in the laboratory and what they are doing with scientists around the country directly put into the regulatory process and the overall process that EPA does. They have not seen their work truly being of use to fulfill the mission of EPA, to protect the environment. And we will certainly focus all our effort in that area.

You mentioned the word stability. One of the real problems is that scientists, to be effective, to be productive, must have some degree of stability in their goals, in their work efforts. You simply cannot stop an experiment in midstream and take up another experiment. It is very important there be sufficient leadership at the Office of Research and Development to be sure that that stability exists while still allowing the flexibility that is necessary in a research program in a regulatory agency where in fact the research program must respond to newly perceived problems that are affecting the Nation. So that is a management problem, and it is a management problem we will be working very hard at.

Senator STAFFORD. Thank you. The Agency's R&D budget has sustained significant reductions over the past 2 years while its regulatory responsibilities have increased. This has been an issue of real concern to this committee. Do you feel that these cutbacks have diminished the Agency's ability to effectively respond to existing problems? Do you perceive a significant need for more resources at this time?

Dr. GOLDSTEIN. As I pointed out, there are specific areas where we are really unable to do the job that we would like to do, and we would certainly at the very least like to redirect our resources. We really do need young scientists in the program. As an academic scientist, whatever success I have had over the years is really due to the fact I continually have bright young people come along and teach me. We have a cohort of scientists that is aging together. The young scientists haven't come in there. So we clearly must address that problem. We have, as I mentioned, been lax in certain areas, such as epidemiology, in which we must develop our strengths. We need all the tools that are necessary to answer the questions that are being addressed to us.

Senator STAFFORD. The administration has advocated collaboration between Federal and non-Federal organizations to maximize the utility of limited Federal resource dollars. Do you believe that such joint efforts would yield significant benefits to the Agency's research program, and will you take deliberate steps to encourage such collaboration?

Dr. GOLDSTEIN. Yes, I do; and yes, I will.

Senator STAFFORD. All right, sir. Thank you very much. I expect that other members of the committee may have some questions, which again I would urge you to respond to as quickly as you can after receiving them so that we can proceed with your confirmation in front of this committee on Wednesday.

Dr. GOLDSTEIN. Thank you, sir.

Senator STAFFORD. Thank you. Thank your family for joining you.

Now we will get back to where we started. Our apologies for he way the Senate votes have forced us to do this.

Dr. RUSSELL, we have your written statement. We would be very glad to hear it.

STATEMENT OF MILTON R. RUSSELL, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING, AND EVALUATION, ENVIRONMENTAL PROTECTION AGENCY

Dr. RUSSELL. Thank you, Mr. Chairman.

My name is Milton Russell. I am honored and privileged to appear before you today, seeking your recommendation for confirmation as Assistant Administrator for Policy, Planning, and Evaluation of the Environmental Protection Agency. At the outset I would like to make plain my intention—if I should be confirmed—of working closely with this committee and with the Congress as a whole in pursuing the vitally important cause of environmental protection.

I plan to discuss briefly today why I think my experience prepares me for the challenging position to which I have been nominated and to explain why I would like to accept that challenge.

First, let me describe for you who I am, where I have been and how I come to be sitting before this committee today. I grew up on a farm in Texas which my family still owns and operates, which explains the reason Mr. Tower was here. I very much appreciate his kind comments earlier today. Indeed, since leaving there, I have lived the majority of my life in rural and small town America and have spent a great deal of time enjoying that America on vacations—hunting, fishing, camping, and hiking.

Professionally I am trained as an economist, and after receiving a doctorate in economics from the University of Oklahoma I taught the subject on the university level for a number of years and was chairman of the department at Southern Illinois University where I spent the bulk of my academic career.

Since my graduate school days I have been especially interested in that aspect of economics which deals with the preservation and effective management of our natural resources and the protection of our environment. It was my interest and work on this subject which brought me to my first Government appointment, as a staff economist at the Federal Power Commission in 1966 and 1967, on leave from the academic appointment to which I then returned.

The next few years—years when terms like "energy crisis" and "environmental protection" became part of all our lexicon—were years of growing awareness that public health, environmental protection, economic well-being, and wise use of our natural resources were interconnected subjects. The intellectual ferment of this period made it an exciting time to be a natural resources economist, especially for one such as myself interested in applying analysis to national policy problems. Thus, in 1974 I accepted an invitation to serve as a senior staff economist to President Ford's Council of Economic Advisers, where I remained until mid-1976.

Since leaving the Council of Economic Advisers I have been with Resources for the Future, a nonprofit, independent public policy research institution here in Washington which specializes in impartial analysis of problems in the areas of natural resources and the environment. In 1979 I was appointed director of RFF's Center for Energy Policy Research.

In addition to this career experience, I have written numerous articles and several books in economics and natural resource policy and have maintained professional affiliation with other individuals and groups expert in this subject. With this professional background and this set of personal interests and commitments, I believe you can understand my enthusiastic response to the opportunity to work with Bill Ruckelshaus and Al Alm in pursuing the mission of EPA.

I believe deeply in the mission for which Congress created EPA. That mission is no less urgent now than it was 13 years ago. If the goals are the same, though—that is, the protection of the health and environment of the American people—the task at hand is perhaps more difficult. Environmental problems still exist, new ones are being created or discovered it seems almost daily, and the achievements of the past must continually be made secure in a growing, changing economy.

It is in the area of marrying environmental imperatives with the most effective methods for achieving them that the office which I have been nominated to head plays a major role. The Office of Policy, Planning, and Evaluation at EPA is composed of three elements: An Office of Policy Analysis, an Office of Standards and Regulations, and an Office of Management Systems and Evaluation. It is a unique resource, with a superb staff that has the mandate to think through the consequences of current and potential EPA rules and policies, to look ahead to problems and opportunities still on the horizon, and to assist programs in their implementation and management for environmental effectiveness. OPPE is intimately involved with EPA's mission: That is, the achievement of the high level of environmental results that the Congress and the American people have made abundantly clear they want and expect in the most expeditious and efficient way possible.

I believe that my deep regard for and enjoyment of the natural environment and the professional skills and insights that I have developed as a teacher, researcher, and policy analyst dealing with various resource issues will stand me in good stead, should the Senate confirm me. Through long experience, I have become accustomed to the consideration of alternatives within a complex operating environment and especially sensitive to long term or apparently remote consequences of any decision about how to use or preserve our natural resources.

I would like to close by saying this: I have spoken of the task ahead as a challenge, which it is, but I also look forward to it. I can think of few goals more worthy of government attention than the protection of our health and the preservation of our natural treasures. If confirmed, I pledge to work closely with you to uphold and implement the laws that Congress has passed in pursuit of this mission.

Mr. Chairman, I would be happy to answer any questions that you might have.

Senator **Stafford**. Thank you very much, Dr. Russell.

I understand your wife is here also. I would like to have you introduce her.

Dr. **Russell**. Yes, sir. My wife Pat.

Senator **Stafford**. Thank you. You are very welcome here, Mrs. Russell.

Dr. Russell, do you have any financial interests or contract or contact that might place you in a conflict of interest position if you are confirmed in this responsibility?

Dr. **Russell**. No, I do not, Mr. Chairman.

Senator **Stafford**. Dr. Russell, would you be willing to appear in front of any committee of the House or Senate of this Congress that might ask you to come as a witness?

Dr. **Russell**. Yes, I would, sir.

Senator **Stafford**. Dr. Russell, in a memorandum to Administrator Alm you state that your office will have a unique responsibility to see that development of regulations and standards at the agency reflect the policy views of Mr. Alm and Mr. Ruckelshaus. Can you briefly describe what you believe those policy views to be?

Dr. **Russell**. I believe, first of all, those views are to obey the law and administer the law as it has been written and as we find the law. I think, second, Mr. Alm and Mr. Ruckelshaus are dedicated to seeing to it that given the statutes they have been given to administer, the health and the environment of the American people are protected to the maximum degree possible. I think, finally, they are seeking to do that in such a way as to minimize the other costs to the economy of achieving those goals. It is those goals which I understood and appreciated when I accepted the possibility of nomination.

Senator **Stafford**. Thank you. What role will your office play in the development of specific standards and regulations? In particular, what do you see as the relationship between your office and the program offices that have technical expertise and I assume the primary responsibility for developing regulations? As a final element of this question, do you believe, based on your work at EPA up to this point, that your office and any of the program offices will often be in disagreement over the substance or timing of regulations?

Dr. **Russell**. Let me approach that question in the many parts in which it was asked, Mr. Chairman.

Senator **Stafford**. All right.

Dr. **Russell**. First of all, I think you are quite correct, and our office approaches the matter that the primary responsibility for the development of the regulations and standards lies with the program offices. Our role with reference to the program offices is to be of whatever assistance we can be. And, consequently, the analysts that work at the Office of Policy, Planning, and Evaluation attempt to involve themselves in the development of regulations in a way that will be helpful in bringing to bear the diverse interests of all of the agency to any particular regulation or standard. Thus, the role I see is very contrary to that of conflict as between the program offices. I see it as a role of general helpfulness on both parts in terms of our responsibility being to attempt to expedite and attempt to facilitate the development of sound rules and sound regulations that the Administrator is willing and pleased to sign.

Senator STAFFORD. Thank you, Doctor. Finally, your professional training and experience are in the field of economics. Economists are often associated in the public's view with comparing the costs and benefits of particular programs and recommending only those programs where benefits outweigh costs.

When it comes to protecting public health and the environment, assesing dollar costs is often much easier than quantifying benefits. So my question is this: In general, do you believe our current pollution control laws and regulations provide a reasonable approach to balancing protection of health and the environment against pollution control costs?

Dr. RUSSELL. Certainly there are many goals that our statutes and laws have. You make the statement, if I understood you correctly, that economists are often seeking to balance costs against benefits. I think that is correct. But I think it is incorrect to assume from that that the benefits asserted with reference to environmental protection are those that could be measured purely in dollars and cents. I think we all recognize that there are inherent values. There are deeper values than many of those that can be measured in dollars and cents. I think many of those values are reflected in the statutes we have to administer at EPA which go far beyond the pure quantification of benefits.

Senator STAFFORD. Thank you, Doctor.

As I said to the other nominees, if you will respond to any questions you may receive as rapidly as you conveniently can, it will expedite our being in a position to act on your nomination on Wednesday.

Dr. RUSSELL. I will be pleased to do so, Mr. Chairman.

Senator STAFFORD. There may be questions from other members of the committee who, because of other responsibilities, can't be here.

Thank you very much, sir.

Dr. RUSSELL. Thank you, sir.

Senator STAFFORD. We have one more name in front of us this afternoon. I recall that in the 97th Congress, which is the last one, we received several nominations by the President to fill expired terms or vacancies on the Mississippi River Commission. There were no hearings and there was no opportunity to receive their views or inquire about the work of the Commission before adjournment. So we are very glad now, General, that you are able to appear today and for the first time in many years that the attention of the committee has been drawn to the work of MRC over which this committee has jurisdiction and responsibility.

We are grateful for your appearance here today. Any statement that you care to make we would be very happy to receive.

STATEMENT OF BRIG. GEN. JEROME B. HILMES, NOMINATED TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION

General HILMES. Mr. Chairman, it is an honor to be here today and to be proposed for a nomination to the Commission. I consider it a privilege to appear before your committee.

I do have a short statement that I will submit for the record. I have an even shorter oral statement.

Senator STAFFORD. We will place your entire statement in the record.

General HILMES. Just a little bit about the Commission. It was established in 1879 to basically manage the Mississippi River and its tributaries. A little bit about that basin. It is the third largest in the world. It does comprise about 41 percent of the river basins in the United States. It is a formidable force, one that does a lot for this Nation economically or, if out of control, can have catastrophic effects.

The Commission itself normally has seven members: Three Corps of Engineers generals, three civilians—two of which must be civil engineers—and an admiral. In my case, if confirmed, I would be the third engineer general.

I have served with the corps for 24 years in a variety of command and staff assignments all over the world. I have been involved in the management of multibillion dollar programs, the last two tours as a general officer.

I, by education, am an engineer. I do have an Ph. D. in civil engineering. I am a registered professional engineer in New York State.

I have heard your previous questions about financial interests, and I assure you, as my financial disclosure statement will indicate, I have very limited financial interest and absolutely none in the lower Mississippi basin.

If confirmed, Mr. Chairman, I would look forward to participating in managing the Mississippi, to insure the safety of our citizens in that region, and to pass safely floodwaters to the gulf with maximum benefits to our navigation interests along the basin.

Sir, I would be happy to try to respond to any questions.

Senator STAFFORD. Thank you. I assume if invited by any committee of the House or Senate you would be willing to appear as a witness?

General HILMES. Absolutely, Mr. Chairman.

Senator STAFFORD. For our better understanding, General, could you advise the committee how the functions of the MRC differ from the functions of the Board of Engineers for Rivers and Harbors?

General HILMES. Yes, Mr. Chairman. I believe there are two major, significant differences. The first is the amount of public involvement that the Mississippi River Commission has, by the congressional law in 1879 that established the Commission. The Commission must take a high water trip and a low water trip down the Mississippi and consult with affected parties along the way. The current president of the Commission invited me for some background education to accompany the Commission last month on such a trip. We literally had hundreds of people along the way that joined us on various legs of the trip. I think that we are probably ahead of the administration's thrust there for non-Federal involvement in our features that we bring for approval.

I think the other major difference is that the Commission not only must scrub the project brochures but critically review the proposed features that are brought up for consideration to incorporate into the Mississippi River and tributaries project, such as the Board does. They have a preauthorization screening mission. But the Commission also manages the construction of the projects and the operation and maintenance of the features. So the Commission has a much larger mission than the Board.

Senator STAFFORD. All right, General. Thank you very much indeed. I have no further questions. If any members of the committee do, if you could respond to them as soon as you get them.

General HILMES. Yes, sir.

Senator STAFFORD. Thank you very much, General, for being with us. We will look forward to working with you in the future.

General HILMES. Thank you, sir.

Senator STAFFORD. The committee stands adjourned until 10 on Wednesday.

[Whereupon, at 3:58 p.m., the committee was recessed, to reconvene at 10 a.m. on Wednesday, November 16, 1983.]

[Material submitted for the record follows:]

CURRICULUM VITAE

Name: John Arthur Moore

Date & Place of Birth: February 9, 1939, Salem, Massachusetts

Citizenship: United States

Marital Status: Married, 1962, three children

Education:

June 1956 - Graduated from High School, Hathorne, Massachusetts
June 1961 - B.S., Michigan State University
June 1963 - D.V.M., Michigan State University
Dec. 1967 - M.S., Michigan State University

Brief Chronology of Employment:

1963-1965	Assistant Director, Research Animal Facilities, School of Medicine, Western Reserve University
1965-1968	Instructor, Department of Veterinary Surgery and Medicine, Michigan State University
1965-1969	Director, Animal Research, Leukemia Research Project, Michigan State University
1968-1969	Assistant Professor, Department of Veterinary Surgery and Medicine, Michigan State University
1968-1969	Assistant Professor, Center for Laboratory Animal Resources, Michigan State University
1969-1973	Chief, Animal Science and Technology Branch, National Institute of Environmental Health Sciences, National Institutes of Health
1970-1982	Lecturer in Laboratory Animal Medicine, Bowman Gray School of Medicine, Wake Forest University, Winston-Salem, NC
1973-1981	Chief, Environmental Biology Branch, National Institute of Environmental Health Sciences, National Institutes of Health
1975-1982	Adjunct Professor, Department of Pathology, Duke University
1976-1979	Associate Director, Research Resources Program, National Institute of Environmental Health Sciences, National Institutes of Health
1981-date	Director, Toxicology Research and Testing Program, National Institute of Environmental Health Sciences, National Institutes of Health
1978-date	Deputy Director, National Toxicology Program

Military Service:

Massachusetts National Guard, U.S. Army Reserves

Societies:

- Society of Toxicology
- Teratology Society
- American Veterinary Medical Association
- New York Academy of Science
- North Carolina Society of Toxicology
- American Society of Laboratory Animal Practitioners

Honors & Other Special Scientific Pursuits:

- Diplomat, American Board of Toxicology
  - Board of Directors, 1981-1984
  - Secretary, 1983
- Diplomat, American College of Laboratory Animal Medicine

- DHEW Superior Service Award, 1975
- Quality Increase, 1977
- Senior Executive Performance Service Award in the SES, 1981
- DHHS Executive Management Award, 1982

- President, Michigan Association for Laboratory Animal Science, 1967
- President, N.C. Society of Toxicology, 1982
- Past President, N.C. Society of Toxicology, 1983
- American Men of Science
- Who's Who in America

Committees & Administrative Responsibilities:

Member, NIH Biohazards Committee, 1973-1975

Consultant, American Association for Accreditation of Laboratory Anim
Care (AAALAC), 1971-1973

Chairman, NIEHS Conference on Chlorinated Dibenzodioxins and Dibenzofurans, 1973

DHEW Committee to Coordinate Toxicology & Related Programs
- Executive Secretary, 1975-1976
- Chairman, Subcommittee on Health Effects of Lead-Based Paints, 1975-1976
- Chairman, Subcommittee on Polybrominated Biphenyls, 1977
- Member, Subcommittee for Carcinogen Standards, 1973-1975
- Subcommittee on Polychlorinated Biphenyls, 1975

National Academy of Sciences, National Research Council
- Member, Committee on Laboratory Animal Ecology, ILAR, 1970-1971
- Member, Ad hoc Committee for Promulgation of Recommended Standards for Public Law 91-579, ILAR
- Member, Task Force on Dioxins, 1973-1974
- Member, Binational Cooperative Study of Exposure to TCDD (Dioxin), 1979-1981

Invited Lecturer for Environmental Health, Royal Swedish Academy of Science, Stockholm, Sweden, 1977

Member, Ad hoc Science Advisory Committee on Pentachlorophenol and Dibenzodioxins, EPA, 1977

International Agency for Research on Cancer (IARC), Lyon, France
  Long Term Hazards of Chlorinated Dibenzodioxins and Chlorinated Dibenzofurans, 1977-1978
  Expert Consultant on Chlorinated Hydrocarbons, 1978

Member, Subcommittee on Environmental Health, U.S./Egypt Cooperative Medical Programs

Scientific Advisor on Dibenzodioxins, Seveso, Italy, Government of Italy (Institutie Superiore de Sanitas), 1976

Co-chairman, Symposium on Health Effects of Halogenated Aromatics, New York Academy of Science, June 1978

Invited Lecturer on Effects of Environmental Chemicals on Immune Response, Gordon Research Conference on Toxicology, July 1978

Member, VA Advisory Committee on Toxic Herbicides, 1979-1981

Member, Tox 80's Commission, Society of Toxicology, 1979

Chair, Scientific Panel, Interagency Working Group to Study the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants, 1980-1981

Member, Scientific Advisory Panel to CIIT, 1981-1984

Chair, Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants, 1981-present

Editorial Board Appointments:

Environmental Health Perspectivies, 1972-1983
Drug and Chemical Toxicology, 1979-Present
Environmental Research, 1982-Present

Research Interests:

General Toxicology; Teratology: Laboratory Animal Medicine

BIBLIOGRAPHY

Moore, J. A., and Leash, A. M.: Sheep for Medical Research. M.S.U. Veterinarian 24(2): 60-63, 1964.

Freeman, M. J., Moore, J. A., and Stavitsky, A. B.: Characteristics of the Early Antibody Response in Sheep and Goats. Amer. J. Vet. Res. 27(118): 723-728, 1966.

Moore, J. A., and Bennett, M.: Previously Undescribed Organism Associated with Abortions in Bitches. Vet. Record. 80(20): 604-605, 1967.

Moore, J. A., Gupta, B. N., and Conner, G. H.: Eradication of Brucella canis Infection from a Dog Colony. J. Amer. Vet. Med. Assoc. 155(12): 2034-2037, 1969.

Kakuk, T. J., Conner, G. H. Langham, R. F., Moore, J. A. and Mitchell, J. R.: Isolation of Canine Herpesvirus from a Dog with Malignant Lymphoma. Amer. J. Vet. Res. 30(11): 1951-1960, 1969.

Moore, J. A., and Gupta, B. N,: Epizootiology, Diagnosis, and Control of Brucella canis. J. Amer. Vet. Med. Assoc. 156(12): 1737-1740, 1970.

Gupta, B. N., Moore, J. A., Conner, G. H.: The Use of Promazine Hydrochloride in Cesarean Section in the Dog. Lab. Animal Care 20(3): 474-476, 1970.

Courtney, K. D., and Moore, J. A.: Teratology Studies with 2,4,5-Trichlorophenoxyacetic Acid and 2,3,7,8-Tetrachlorodibenzo-p-dioxin. Toxicol. Appl. Pharmacol. 20: 396-403, 1971.

Feldman, D. B., Moore, J. A., Harris, M. W., and Self, J. L.: Characteristics of Common Helminths of the Virginia Opossum (Didelphis virginiana) from North Carolina. Lab. Animal Sci. 22(2): 183-189, 1972.

Moore, J. A.: Effects on foetuses of Hycanthone Methanesulphonate. Nature 239(5367): 107-109, 1972.

Feldman, D. B., Rall, D. P., and Moore, J. A.: Effects of Dry Synthetic Detergents and Soap Powder on the Rabbit Eye. J. Amer. Med. Assoc. 221(9): 1055, 1972.

Moore, J. A., Gupta, B. N., Zinkl, J. G., and Vos, J. G.: Postnatal Effects of Maternal Exposure to TCDD. Environ. Health Perspcc. 5: 81-86, 1973.

Harris, M. W., Moore, J. A., and Vos, J. G.: General Biological Effects of TCDD in Laboratory Animals. Environ. Health Perspec. 5: 101-110, 1973.

Zinkl, J. G., Moore, J. A., Vos, J. G. and Gupta, B. N.: Hematologic and Clinical Chemistry Effects of TCDD in Laboratory Animals. Environ. Health Perspec. 5: 111-118, 1973.

Gupta, B. N., Vos, J. G., Moore, J. A., Zinkl, J. G., and Bullock, B.: Pathologic Effects of TCDD in Laboratory Animals. Environ. Health Perspec. 5: 125-149, 1973.

Vos, J. G., Moore, J. A., and Zinkl, J.G.: Effect of TCDD on the Immune System of Laboratory Animals. Environ. Health Perspec. 5: 149-162, 1973.

Vos, J. G., Moore, J. A., and Zinkl, J. G.: Toxicity of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) in C57Bl/6 Mice. Toxicol. Appl. Pharmacol. 29: 229-241, 1974.

Vos, J. G., and Moore, J. A.: Suppression of Cellular Immunity in Rats and Mice by Maternal Treatment with 2,3,7,8-Tetrachlorodibenzo-p-Dioxin. Int. Arch. Allergy 47: 777-794, 1974.

Thigpen, J. E., Moore, J. A., Gupta, B. N., and Feldman, D. B.: Opossums as a Reservoir for Salmonellae. J. Amer. Vet. Med. Assoc. 167(7): 590-592, 1975.

Thigpen, J. E., Faith, R. E., McConnell, E. E., and Moore, J. A.: Increased Susceptibility to Bacterial Infection as a Sequela of Exposure to 2,3,7,8-Tetrachlorodibenzo-p-dioxin. Infect. Immun. 12(6): 1319-1324, 1975.

Hook, G. E. R., Orton, T. C., Moore, J. A., and Lucier, G. W.: 2,3,7,8-Tetrachlorodibenzo-p-dioxin-induced Changes in the Hydroxilation of Biphenyl by Rat Liver Microsomes. Biochem. Pharmacol. 24: 335-340, 1975.

McKinney, J. D., Chae, K., Gupta, B., Moore, J. A., and Goldstein, J. A.: Toxicology of Hexachlorobiphenyl Isomers and 2,3,7,8-Tetrachlorodibenzofuran in Chicks. I. Relationship of Chemical Parameters. Toxicol. Appl. Pharmacol. 36: 65-80, 1976.

Goldstein, J. A., McKinney, J. D., Lucier, G. W., Hickman, P., Bergman, H. and Moore, J. A.: Toxicological Assessment of Hexachlorobiphenyl Isomers and 2,3,7,8-Tetrachlorodibenzofuran in Chicks. II. Effects of Drug Metabolism and Porphyrin Accumulation. Toxicol. Appl. Pharmacol. 36: 81-92, 1976.

McKinney, J. D., Chae, K., Gupta, B. N., Moore, J. A., and Goldstein, J. A.: Faith, R. E., and Moore, J. A.: Impairment of Thymus-Dependent Immune Functions by Exposure of the Developing Immune System to 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD). J. Toxicol. Environ. Health 3: 451-464, 1977.

Moore, J. A., and Faith, R. E.: Immunologic Response and Factors Affecting its Assessment. Environ. Health Perspec., 18: 125-132, 1977.

McConnell, E. E., Moore, J. A., and Dalgard, D. W.: Toxicity of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) in Rhesus Monkeys (Macaca mulatta) Following a Single Oral Dose. Toxicol. Appl. Pharmacol. 43(1): 1-13, 1977.

Moore, J. A.: Toxicity of 2,3,7,8-Tetrachlorodibenzo-para-Dioxin. Ecol. Bull. 27: 124-144, 1978.

McConnell, E. E., Moore, J. A., Haseman, J. K., and Harris, M. W.: The Comparative Toxicity of Chlorinated Dibenzo-p-dioxin Isomers in Mice and Guinea Pigs. Toxicol. Appl. Pharmacol. 44(2): 335-356, 1978.

Luster, M. I., Faith, R. E., and Moore, J. A.: Effects of Polybrominated-Biphenyls (PBB) on Immune Response in Rodents. Environ. Health Perspec. 23: 227-232, 1978.

Matthews, H., Fires, G., Gardner, A., Garthodd, L. Goldstein, J. Ku, Y., and Moore, J.: Metabolism and Biochemical Toxicity of PCBs and PBBs. Environ. Health Perspec. 24: 147-156, 1978.

Moore, J. A., McConnell, E. E., Dalgard, D. W., and Harris, M. W.: Comparative Toxicity of Three Halogenated Dibenzofurans in Guinea Pigs, Mice, and Rhesus Monkeys. Ann. N. Y. Acad. Sci. 320: 151-163, 1979.

Gupta, B. N., and Moore, J. A.: Toxicological Assessments of a Commercial Polybrominated Biphenyl Mixture (Firemaster FF-1) in the Rat. Am. J. Vet. Res. 40: 1458-1468, 1979.

McConnell, E. E., Hass, J. R., Altman, N. H., and Moore, J. A.: A Spontaneous Outbreak of Polychlorinated Biphenyl (PCB) Toxicity in Rhesus Monkeys (Macaca mulatta): Toxicopathology. Lab. Anim. Sci. 29(5): 666-673, 1979.

Goldstein, J. A., Linko, P. C., Levy, L. A., McKinney, J. D., Gupta, B. N., and Moore, J. A. A Comparison of a Commercial Polybrominated Biphenyl Mixture 2,4,5, 2',4,'5'-Hexabromobiphenyl and a Brominated Napthalene on Hepatic Mixed Function Oxidases. Biochem. Pharmacol. 28, 2947-2956, 1979.

Moore, J. A.: The Immunotoxicology Phenomenon. Drug Chem. Toxicol. 2(1&2): 1-4, 1979.

McConnell, E. E., and Moore, J. A.: Toxicopathology Characteristics of the Halogenated Aromatics. Ann. N. Y. Acad. Sci. 320: 138-150, 1979.

McConnell, E. E., Wilson, R. E., Moore, J. A., and Haseman, J. K.: Dose Response of 1,2-Dimethylhydrazine and Methylazoxymethanol Acetate in the F-344 Rat. Cancer Letters 8: 271-278, 1980.

McConnell, E. E., Moore, J. A., Gupta, B. N., Rakes, A. H., Luster, M. I., Goldstein, J. A., Haseman, J. K. and Parker, C. E.: The Chronic Toxicity of Technical and Analytical Pentachlorophenol in Cattle. I. Clinical Pathology. Toxicol. Appl. Pharmacol, 52(3): 468-490, 1980.

Luster, M. I., Boorman, G. A., Dean, J. H., Harris, M. W., Luebke, R., Thigpen, J. E., Padarathsingh, M. L., and Moore, J. A.: Examination of Bone Marrow Immunity and Host Susceptibility Parameters Following Pre- and Postnatal Exposure to TCDD. J. Immunopharmacol., 2: 301-310, 1980.

Van Logten, M. J., Gupta, B. N., McConnell, E. E., and Moore, J.A.: Role of the Endocrine System in the Action of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) on the Thymus. Toxicology 15(2): 135-144, 1980.

Van Logten, M. J., Gupta, B. N., McConnell, E. E., and Moore, J.A.: The Influence of Malnutrition on the Toxicity of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) in Rats. Toxicology 21(1): 77-88, 1981.

Huff, J. E., Moore, J. A., Saracci, R., and Tomatis, L.: Long-Term Hazards of Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans. Environmental Health Perspectives, 36: 221-240, 1980.

Gupta, B. N., McConnell, E. E., Moore, J. A., and Harris, M.W.: Polybrominated Biphenyl Toxicosis in the Rat and Mouse. Toxicology and Applied Pharmacology, 57: 99-118, 1981.

Lamb, IV, J. C, Marks, T. A., Haseman, J. K., Moore, J. A.: Development and Viability of Offspring of Male Mice Treated with Chlorinated Phenoxy Acids and 2,3,7,8-Tetrachlorodibenzo-p-Dioxin. J. Tox. Env. Health, 8(5-6): 835-844, 1981.

Lamb, IV, J. A., Marks, T. A., Gladen, B., Allen, J. W., Moore, J. A.: Male Fertility, Sister Chromatid Exchange, and Germ Cell Toxicity Following Exposure to Mixtures of Chlorinated Phenoxy Acids Containing 2,3,7,8-Tetrachlorodibenzo-p-Dioxin. J. Tox. Env. Health, 8(5-6): 825-834, 1981.

Lamb, IV, J.C., Marks, T.A., McConnell, E.E., Abeywickrama, K., Moore, J.A.: Toxicity of Chlorinated Phenoxy Acids In Combination With 2,3,7,8-Tetrachlorodibenzo-p-Dioxin In C57BL/6 Male Mice. J. Tox. Env. Health, 8: 815-824, 1981.

Luster, M. I., Boorman, G. A., Harris, M. W., Moore, J. A.: Laboratory Studies on Polybrominated Biphenyl-Induced Immune Alterations Following Low-Level Chronic or Pre/Postnatal Exposure. Int. J. Immunopharmac., 2: 69-80, 1980.

McConnell, E. E., Harris, M. W., Moore, J. A.: Studies on the Use of Activated Charcoal and Cholestyramine for Reducing the Body Burden of Polybrominated Biphenyls. Drug and Chemical Toxicology, 3(3): 277-292, 1980.

Abdel-Hamid, F. M., Moore, J. A., Matthews, H. B.: Comparative Study of 3,4,3',4'-Tetrachlorobiphenyl in Male and Female Rats and Female Monkeys. J. Tox. & Environ. Health, 7: 181-191, 1981.

Moore, J.A., Huff, J.E., Dean, J.H.: The National Toxicology Program and Immunological Toxicology. NTP-81-122. Pharmacological Reviews, 34(1): 13-16, 1982.

Ali, S.F., Hong, J.S., Lamb, J.C., Moore, J.A., Bondy, S.C.: Subchronic Dietary Exposure to Rats to Chlordecone (Kepone®) Modifies Levels of Hypothalamic β-Endorphin. Neurotoxicology, 3(2): 119-124, 1982.

Marks, T.A., Ledoux, T.A., Moore, J.A.: Teratogenicity of a Commercial Xylene Mixture in the Mouse. J. Tox. & Environ. Health, 9: 97-105, 1982.

Huff, J.E., Moore, J.A.: Toxicology Data Evaluation Techniques and the National Toxicology Program. Presented at the Symposium on Information Transfer in Toxicology, Nat'l. Lib. of Med., Sept. 16-17, 1981, Published 1982.

McConnell, E.E., Wagner, J.C., Skidmore, J.W., Moore, J.A.: Comparable Effects of Inhalation USA/UK. NTP 82-78.

Huff, J.E., Haseman, J.K., McConnell, E.E., Moore, J.A.: The National Toxicology Program, Toxicology Data Evaluation Techniques, And The Long-Term Carcinogenesis Bioassay. NTP 82-68.

Biocca, M., Gupta, B. N., Chae, K., McKinney, J. D., Moore, J. A.: Toxicity of Selected Symmetrical Hexachlorobiphenyl Isomers in the Mouse. Toxicol. Appl. Pharmacol., 58(3): 461-474, 1981.

Thigpen, J. E., McConnell, E. E., Moore, J. A., Boorman, G. A., Haseman, J. K.: The Effects of Environmental Chemicals on Host Resistance to Infectious Agents. Toxicology Research Projects Directory 6(11), 1981.

Gupta, B. N., McConnell, E. E., Goldstein, J. A., Harris, M. W., Moore, J. A.: Effects of a Polybrominated Biphenyl Mixture in the Rat and Mouse. I. Six-Month Exposure. Toxicol. Appl. Pharmacol., 68: 1-18, 1983.

Gupta, B. N., McConnell, E. E., Moore, J. A., Haseman, J. K.: Effects of a Polybrominated Biphenyl Mixture in the Rat and Mouse. II. Lifetime Study. Toxicol. Appl. Pharmacol., 68: 19-35, 1983.

Huff, J. E., Moore, J. A., Rall, D. P.: Preventive Oncology and the National Toxicology Program. Prev. Med. (in press).

BOOK CHAPTERS, CONFERENCE PROCEEDINGS, AND MONOGRAPHS

Moore, J. A.: Research Hazards Associated with Chemicals. NCI Cancer Research Safety Symposium Monographs. Proceedings of the National Cancer Institute Symposium on Biohazards & Zoonotic Problems of Primate Procurement, Quarantine and Research 2: 101-107, March, 1975.

Moore, J. A., Gupta, B. N., and Vos, J. G.: Toxicity of 2,3,7,8-Tetrachlorodibenzofuran--Preliminary Results. Conference Proceedings, National Conference on Polychlorinated Biphenyls (EPA-560/6-75-004), March 1976.

Biocca, M., Moore, J. A., Gupta, B. N., and McKinney, J. D.: Toxicology of Selected Symmetrical Hexachlorobiphenyl Isomers: I. Biological Responses in Chicks and Mice. Conference Proceedings, National Conference on Polychlorinated Biphenyls (EPA-560/6-75-004), March 1976.

McConnell, E. E., and Moore, J. A. The Toxicopathology of TCDD. In: F. Cattabeni, A. Cavallaro, and G. Galli (eds.). *Dioxin - Toxicological and Chemical Aspects*. Spectrum Publ., New York, pp. 137-141, 1978.

Moore, J. A.: Long-term Hazards of Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans. IARC Internal Technical Report 78/001. International Organization for Research on Cancer, Lyon, France, pp. 1-57, 1978.

Moore, J. A.: NIEHS Oral Asbestos Studies, Workshop on Asbestos, Definitions and Measurement Methods, July 18-20, 1977, National Bureau of Standards, Gaithersburg, MD. Special Publication No. 506: 153-161, 1978.

Moore, J. A.: Toxicology of TCDD. International Symposium on Toxicology - The Evaluation of Chemical Toxicity in Man, September 3-7, 1979, Guildford, Surrey.

Moore, J. A.: Halogenated Polyaromatic Hydrocarbons. In: J. Last (ed.) *Public Health and Preventive Medicine*, 11th Edition. Appleton-Century Crofts, New York, Chap. 15, pp. 725-729, 1980.

Luster, M. I., Dean, J. H., and Moore, J. A.: Evaluation of Immune Function in Toxicology. In W. Hayes (ed.). *Methods in Toxicology*, Raven Press, New York, Chap. 18, pp. 561-586, 1980.

Moore, J. A.: Development and Validation of Toxicologic Test Methods in the National Toxicology Program. Conference Proceedings, Swedish-American Conference on Chemical Hazards in the Workplace, March 4-7, 1980, Washington, D. C.

Moore, J. A.: A Review of the Carcinogenic Properties of the Dibenzo-p-dioxins in Animal Bioassays. International Workshop on Plans for Clinical and Epidemiologic Follow-up after Area-wide Chemical Contamination, National Academy of Sciences, March 17-19, 1980, Washington, D. C.

Moore, J.A.: Experimental Approaches to the Assessment of Toxic Effects of Chemicals on the Immune System. International Workshop on Plans for Clinical and Epidemiologic Follow-up after Area-wide Chemical Contamination, National Academy of Sciences, March 17-19, 1980, Washington, D.C.

Luster, M.I., Dean, J.H., Moore, J.A.: Evaluation of Immune Functions in Toxicology. Methods in Toxicology, edited by A. Wallace Hayes, Raven Press, NY, 1982, pp. 561-586.

Moore, J.A., Huff, J.E., Walters, D.B.: Overview of the National Toxicology Program. Environmental Health Chemistry-The Chemistry of Environmental Agents as Potential Human Hazards, ed. by J.D. McKinney, Ann Arbor Science Publishers, Inc., Ann Arbor, MI (1980).

ABSTRACTS

Leash, A. M. and Moore, J. A.: Survey on Vaccination Procedures in the Prevention of Respiratory Disease in Dogs. Presented Scientific Session, American Association of Laboratory Animal Sciences, Philadelphia, Pa., 1965.

Moore, J. A., Frank, G. M., and Kakuk, T. J.: Evaluation of Measles vs. Conventional Vaccination Procedures in the Prevention of Canine Distemper. Presented Scientific Session, American Association of Laboratory Animal Science, Chicago, Illinois, 1966.

Moore, J. A.: Epizootic Canine Abortion - *Brucella canis*. Presented Scientific Session, American Association of Laboratory Animal Science, Washington, D. C., 1967.

Moore, J. A. and Gupta, B. N.: Description of a Unit for the Procurement and Rearing of Specific Pathogen Free Dogs. Presented Scientific Session, American Association of Laboratory Animal Science, Las Vegas, Nevada, 1968.

Moore, J. A. and Courtney, K. D.: Teratology Studies with the Trichlorophenoxyacid Herbicides 2,4,5-T and Silvex. Presented Teratology Society, Williamsburg, Va., 1971.

Moore, J. A.: Characterization and Interpretation of Kidney Anomalies associated with 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD). Teratology 7(3): A24.

Moore, J. A. and Vos, J. G.: Evaluating the Rodent Immune System as a Focus for Teratogenic Effects. Teratology 9(3), 1974.

Goldstein, J. A., McKinney, J. D., Lucier, G. W., Moore, J. A., Hickman, P., and Bergman, H.: Effects of Hexachlorobiphenyl Isomers and 2,3,7,8-Tetrachlorodibenzofuran (TCDF) on Hepatic Drug Metabolsim and Porphyrin Accumulation. Pharmacologist 16(2): 239.

Moore, J. A.: Research Hazards Associated with Chemicals. Presented Symposium on Biohazards and Zoonotic Problems of Primate Procurement, Quarantine and Research, Frederick, Maryland, March 1975.

Moore, John A. and Faith, R. E.: Immunologic Response and Factors Affecting its Assessment. Presented Target Organ Toxicity Symposium on Development, Chapel Hill, N. C., March 1976. Env. Health Persp. 18: 125-132, 1977.

McConnell, E. E. and Moore, J. A.: The Comparative Toxicity of Chlorinated Dibenzo-p-Dioxin Isomers in Mice and Guinea Pigs. Society of Toxicology, 15th Annual Meeting, Atlanta, Georgia, March 14-18, 1976: Abstract of Papers, No. 130, p. 107.

Moore, J. A., Harris, M. W., and Albro, P. W.: Tissue Distribution of $\pm^{14}$Cl Tetrachlorodibenzo-p-dioxin in Pregnant and Neonatal Rats. Society of Toxicology 15th Annual Meeting, Atlanta, Georgia, March 14-18, 1976: Abstract of Papers, No. 131, pp. 107-109.

McConnell, E. E., and Moore, J. A.: The Comparative Toxicity of Chlorinated Dibenzo-p-dioxin Isomers in Mice and Guinea Pigs. Toxicol. Appl. Pharmacol. 37: 146 (1976).

Thigpen, J. E., McConnell, E. E., Moore, J. A., and Faith, R. E.: The Effects of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) on Host Resistance to Infectious Agents. Environ. Health Perspec. 20: 245, 1977.

McConnell, E. E., Moore, J. A., Harris, M. W., and Haseman, J. D.: The Toxicity of chlorinated Dibenzo-p-dioxin in Mice, Guinea Pigs and Rhesus Monkeys. Environ. Health Perspec. 20: 245, 1977.

Moore, J. A.: Toxicopathology of Polybrominated Biphenyls in Rats and Mice. Workshop on PBB's, Michigan State University, E. Lansing, Michigan, October 24-25, 1977.

Moore, J. A., Luster, M. I., Gupta, B. N, and McConnell, E. E.: Toxicological and Immunological Effects of a Commercial Polybrominated Biphenyl Mixture (Firemaster FF-1). Presented at the Society of Toxicology 16th Annual Meeting, San Francisco, California, March 1978.

Moore, J. A., Luster, M. I. Gupta, B. N., and McConnell, E. E.: Toxicological and Immunological Effects of a Commerical Polybrominated Biphenyl Mixture. Toxicol. Appl. Pharmacol. 45: 176, 1978.

Thigpen, J. E., McConnell, E. E., and Moore, J. A.: The effects of low levels of 2,3,7,8-Tetrachlorodibenzo-p--dioxin (TCDD) on mouse peritoneal exudate (PE) cell number, cell viability, differential cell count and on macrophage phagocytic function. Ann. Meeting of American Society of Microbiology: 18, 1978.

McConnell, E. E., and Moore, J. A.: Toxicopathology Characteristics of the Halogenated Aromatics. 45th Meeting of the Interagency Collaborative Group on Environmental Carcinogenesis. NCI, May 23, 1979, Bethesda, MD.

Boorman, G. A., McConnell, E. E., Cockrell, B. Y., Drew, R. T., Stone, C. J., Haseman, J. K., and Moore, J. A.: The Comparative Effects of an Animal's Age at time of Exposure and Exposure Duration on Vinyl Chloride Carcinogenesis. For presentation, Federation Meeting, April, 1980.

United States of America
Office of
Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John A. Moore, who has been nominated by President Reagan for the position of Assistant Administrator for Pesticides and Toxic Substances of the Environmental Protection Agency (EPA).

We have reviewed the report and have also obtained advice from EPA concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Dr. Moore has agreed if he should be confirmed to resign as a member of the Science Advisory Board of the Chemical Industry Institute of Technology in Research Triangle Park, North Carolina, and not to participate as a member of the Council of the North Carolina Society of Toxicology.

In view of the foregoing, we believe that Mr. Moore is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H Mart

David H. Martin
Director

Enclosure

FPM Chapter 7
U.S. Office of Personnel Management

FINANCIAL DISCLOSURE REPORT

Reporting Status (*Check Appropriate Box*)

☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Report

NOTE
All schedules must be filed. Enter "None" in areas or across schedules where appropriate.

Agency Use Only
Date of Filing (Month, Day, Year): 10/19/83

OGE Use Only
SL
OCT 27 1983

Reporting Individual's Name	Last Name Moore	First Name and Middle Initial John A.
Position for Which Filing	Title of Position Assistant Administrator for Pesticides & Toxic Substances	Department or Agency (*If Applicable*) U.S. EPA
Location of Present Office	Address (*Number, Street, City, State and Zip Code*) 401 M Street, S.W. (TS-788) Washington, D. C. 20460	

Date of Appointment, Candidacy, Election or Nomination (Mo, Day, Yr):

Termination Date (If Applicable) (Month, Day, Year):

Room Number: 637E

Telephone No (Include Area Code): 202-382-2902

Presidential Nominees Subject to Senate Confirmation
Name of Congressional Committee Considering Nomination: Senate Environment and Public Works
Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)
Title of Position(s) and Date(s) Held:
Director, Toxicology Research and Testing Program, NIEHS
(October 1980 to Present)

Certification
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.
Signature of Reporting Individual: J A Moore
Date (Month, Day, Year): 19 Oct 83

Agency Ethics Official's Opinion
The information contained in this report discloses no conflict of interest under applicable laws and regulations.
Signature of Designated Agency Ethics Official/Reviewing Official: Gerald H. Yamada
Date (Month, Day, Year): 10/24/83

Office of Government Ethics Use Only
10/28/83
10/28/83
Signature: David H Martin
Date (Month, Day, Year): 11-10-83

Comments of Reviewing Officials (*If additional space is required, use the reverse side of this sheet*)

See attached ~~[illegible]~~ recusal statement, dated 10/21/83.

(Check box if comments are continued on the reverse)

7/80 Edition of SF 278 Is Usable

2/3-107

10/19/83

278—Financial Disclosure Report
(Rev. [illegible])

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependant child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? Yes ☐ No ☐ or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1 They represent solely your spouse's or dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3 You neither derive, nor expect to derive, any financial or economic benefit from them, and 4 You do not have knowledge as to the composition of such interest or liabilities		

Page Number ➤ 2

Schedule A

Reporting Individual's Name: Moore, John A

Agency Use Only

Date of Filing (Month, Day, Year)

		Income																	Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)										Valuation of Assets (✓)						
Spouse (S) or Dependent Child (DC)	Identification	Dividends	Rents	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Merrill Lynch Money Market	X									X								A		X				
S	CECO Corp - Stock	X							X										A	X					
	Savings & Loan Raleigh-Stock	X								X									A	X					

SF 278—Financial Disclosure Report
Rev. [illegible] 81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number	3	Schedule B
Reporting Individual's Name Moore, John A.		
Agency Use Only		
Date of [illegible]		

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Not applicable											

[illegible] Disclosure Report

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤	4	Schedule C
Reporting Individual's Name Moore, John A.		
Agency Use Only		
Date of [illegible]		

[illegible] Transportation, Food and Entertainment--List each so[illegible] more [illegible]

Source (Name and Address)	Brief Description	Value
Not applicable		

[illegible] each source [illegible] or more in value

Source (Name and Address)	Brief Description	Value
Not applicable		

[illegible] Reimbursements--List each source totaling $250 or more in value

Source (Name and Address)	Brief Description	Value
Not applicable		

SF 278 — Financial Disclosure Report
(Rev. [illegible])

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name Moore, John A.	Agency Use Only Date of Filing *(Month, Day, Year)*	Page Number	5	Schedule **D**

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability *(e.g., promissory note, margin account)* Give date, interest rate and, if applicable, term	$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
			Category of Amount or Value (✓)				
	None						

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
American Board of Toxicology P.O. Box 13286, Research Triangle Park, N.C. 27709	Nonprofit, certifying body of Toxicologist	Board of Directors	April, '81	Current
Chemical Industry Ins. of Toxicology Research Triangle Park, N.C. 27709	Nonprofit, Toxicology Research	Science Advisory Board	Jan., '81	Current
North Carolina Society of Toxicology	Regional Learned Toxicology Society	President/Council Memb.	Jan., '81	Current

COMPENSATION IN EXCESS OF [illegible]

This section is applicable only in the case of nominees and new entrants.

Source	Brief Description of Duties
None	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
National Institute of
Environmental Health Sciences
P.O. Box 12233
Research Triangle Park, N.C. 27709

TO: Gerald Yamada
Deputy General Counsel

To avoid any appearance of conflict of interest I plan, if confirmed as Assistant Administrator, Office of Pesticides and Toxic Substances, EPA to resign my position as a member of the Science Advisory Board, Chemical Industry Institute of Toxicology, Research Triangle Park, North Carolina.

I also will not participate as a member of the Counsel of the North Carolina Society of Toxicology. My current membership on the Counsel is as Immediate Past President as specified in the Society's constitution or By-laws.

John A. Moore, D.V.M.

Responses to questions posed by Senator Durenberger at the November 14, 1983, confirmation hearing of Dr. John A. Moore, Assistant Administrator-designate for Pesticides and Toxic Substances, U.S. Environmental Protection Agency.

1. The pesticide aldicarb (Temik), which was supposed to break down readily in the environment did not do so, but instead contaminated ground water and people's wells. In your position at EPA, what actions will you take to prevent similar occurrences in the future with respect to other toxic chemicals?

There is a great deal that can and must be done to address the potential for pesticides to leach to ground water. Pesticides in ground water must be viewed, of course, in the context of a comprehensive national ground water strategy. Toward that end, the Administrator already has in place a Ground Water Task Force to coordinate ground water protection throughout the Agency programs, and to propose an overall policy and plan for future action.

I don't have to tell this Committee that there are difficult social policy calls to make in deciding future pesticide registration activities where potential ground water contamination is implicated. As the Administrator said in recent testimony, we may have to face the fact that there may be some pesticides which simply cannot be used in certain parts of the country. There may also be times when the Agency will have to make a difficult risk/benefit decision on a pesticide in which we are asked whether some amount of pesticide in ground water is "reasonable" under the FIFRA.

I will make sure, if confirmed, that the Agency is requiring the appropriate amount and kind of data to make reasoned decisions, and that regulatory actions are tailored to deal with suspected leachers. One of my early priorities will also be to look into the Agency's research activities in ground water protection.

I certainly pledge to this Committee that ground water protection will be one of my most important concerns as the Assistant Administrator for Pesticides and Toxic Substances.

2. There has been a relative lack of concern about the non-persistent pesticides which do break down readily. However, there is very little knowledge of the break-down products which form in surface and ground water, and which may also be toxic. Will you undertake a program to study the toxicity of break-down products of pesticides?

I think it is essential, first, that the Agency identify the break-down products of pesticides used in the environment, and not limit its concern to the parent compound. I have not yet had a chance to study the Agency's environmental fate data requirements as expressed in Part 158, which is in preparation as a final rule, and the Environmental Fate guidelines. I will make it a personal priority to do so in the next few months.

However, I understand that these data requirements do insist that the metabolic pathways of pesticides to be used outdoors be fully identified by the applicant of a pesticide coming on the market today. It is also my understanding that Agency toxicologists do look at the possible toxicological significance of break-down products. I will examine current requirements in this area to ensure that the Agency is asking for the right information, and is acting appropriately on that information.

3. There are pesticides in use which have been suspected of being toxic to fish and wildlife, yet there is no standard way that environmental chemistry labs can measure their presence in animal tissues. What will you do about potentially harmful substances which cannot be traced as the cause of an environmental problem?

Again, I will look at the data requirements currently being developed by the Agency to see if there are gaps in our knowledge that need to be filled by requiring the registrant to develop either data or analytical methods for detecting residues in fish and other nontarget animals. I understand that there are already requirements for bioaccumulation studies in fish when Agency scientists believe that the product has a potential for reaching the aquatic environment. The fact that some substances cannot be measured on gas chromotographs does not mean that a method does not exist. It does mean, however, that the Agency must be alert to problems which could occur when multi-residue methods are not sufficient. I will study this issue and see what can and should be done.

4. (question 5). The integrity of the pesticides registration process has been called into question by the discovery of fraudulent test data, by "cut-and-paste" evaluations of pesticides, and by the excessive use of emergency exemptions and special local needs registrations. As Assistant Administrator, what will you do to deal with these problems and restore public confidence in the pesticides program?

If confirmed, I intend to become personally and extensively involved in these issues. Pesticides regulation is a public trust. As I said in my prepared testimony, I plan to ensure that all data represent the current state of knowledge and that they be collected and presented in such a manner that their validity is unassailable.

Concerning the circumvention of the regular registration process, the Administrator has committed in recent testimony to seeking public comment on emergency exemption requests involving new chemicals, and to printing a justification in the Federal Register if the Agency decides to issue such exemptions. We will also be opening up the regulations governing emergency exemptions to public comment and appropriate revision.

I believe that credibility can be achieved by ensuring strong quality control measures, both outside and inside the Agency, and by opening up the regulatory processes to public input and scrutiny.

Statement

of

Dr. Bernard D. Goldstein

for Confirmation

as

Assistant Administrator for Research and Development

U.S. Environmental Protection Agency

before the

Committee on Environment and Public Works

United States Senate

November 14, 1983

I come before your committee today with a sense of humility and of pride. I am deeply honored to be considered for the position of Assistant Administrator of the Office of Research and Development in the Environmental Protection Agency. As a public health physician, and as an environmental scientist, I have dedicated my career to providing the factual information which will allow us to protect our population and our environment from the adverse effects of chemical and physical agents. I welcome the opportunity to pursue these goals at the Environmental Protection Agency. I particularly welcome the opportunity to serve under the leadership of William Ruckelshaus.

Shortly after his testimony before this Committee, a few months ago, Administrator Ruckelshaus made his first major public statement before the National Academy of Sciences. In that speech, he spoke of the worries over the conflict that always seem to arise between public health and economic welfare.

He said: "I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community".

I am in full agreement with that sentiment.

As you know, I have served as an advisor to EPA on many occasions, most recently as Chairman of the Clean Air Scientific Advisory Committee and as a member of the Science Advisory Board.

Until recently, I thought this had provided me with a reasonably good understanding of the Research and Development program at EPA. My experience over the past two months while serving as a Special Assistant to Administrator Ruckelshaus showed me that this was not the case. Before joining EPA I developed a long list of ideas and initiatives which I believed were essential to the function of ORD. When I arrived, I found that in almost every case, those approaches were already under way. There is a strength and a depth to the EPA research program of which outsiders are simply unaware. This is unfortunate. EPA's research is not done in a vacuum. The necessity for ORD to do a better job of communicating its capabilities and performance is inextricably linked to its ability to contribute to the mission of EPA.

More important than simply communicating what we do is the need to be absolutely certain that our research effort is both accurate and reported accurately. If Members of Congress, if the scientific community, and if the American public do not recognize and accept our findings as scientifically credible, our work will have been meaningless.

Philosophically, it may well be possible to consider scientific advances independently from their societal context. There are many examples of important scientific discoveries which were not recognized and whose impacts were not felt until many years later. Nevertheless, the search for abstract advances of this nature simply cannot be part of ORD's approach. As scientists in a regulatory agency our charge is to perform research and to develop technology and methodology directly related to the regulatory mission.

This does not mean that ORD should only engage in short-term research. Much has been said about the relative importance to EPA of short term vs. long term research, or fundamental vs. applied research - or exploratory or anticipatory research. These are all words that in the past have been carried like flags. I confess that I find much of this argument misleading. The duration of research has nothing to do with either the need for the research or the mission it will accomplish. We will perform the research that is needed for the Agency to accomplish its mission.

As a scientist, I believe that we will, in time, have answers to the questions we are now asking about health and environmental problems. It will be known whether the minute levels of benzene present in the atmosphere of this hearing room pose a risk of leukemia. We will find an affordable way to burn coal without releasing sulfur into the atmosphere. Our success in providing such answers is contingent upon phrasing and answering the intermediate questions that must be asked along the way, and upon choosing the best means to marshal our resources to most efficiently and quickly obtain these answers.

Our challenge is to nurture and develop the best possible science responsive to the mission of EPA: protecting the environment and human health. Good science is traditionally considered to be a combination of appropriate experimental design, superb technical accuracy, and rigorous interpretation of observed findings. There is, however, something else which is even more important: the identification of that crucial experiment which will answer the question being asked.

We need to devote more attention to this area. We must focus our resources on identifying and answering those critical questions which are central to protecting environment and health. Some of those answers should be obtainable in the relatively near future; some will require a more protracted and intensive effort. One of the major roles of the Assistant Administrator for R&D must be one of working closely with the Administrator, the program offices and the regions, as well as Congress and other federal and local decision-makers to identify important environmental problems for study, and then assuring that the R&D program effectively addresses these problems.

It is not the responsibility of ORD to make decisions concerning management of these environmental problems. It is, however, its obligation to provide assessments that reflect only the very best available scientific knowledge.

The Administrator has expressed his interest in exploring the possible use of risk assessment and risk management as a conceptual framework for the approach to solving environmental problems. I would point out that this process is also a very powerful tool for the identification of R&D needs. Through this cooperative effort by both scientists and regulators, crucial uncertainties that hinder finding the answer to environmental problems can be identified, and a research and development plan formulated to focus on resolving these crucial uncertainties.

In the months since the arrival of Bill Ruckelshaus, a momentum has development in ORD, an excitement in the laboratories and at headquarters that is translating itself into a renewed dedication to providing the very best that science can offer to the understanding and control of environmental hazards. But I am not suggesting that all problems have been solved.

When I think about my own career, I realize that much of whatever success I have had as an academic scientist has been due in large measure t the influence of young scientists that have joined me in the laboratory. Along with their energy and enthusiasm, they have brought with them a knowledge of recent advances obtained from their training in other laboratories. This cross fertilization of ideas is an integral part of the success of American science. The fiscal constraints imposed in recent years have prevented the EPA from hiring young scientists. We must also catch up in terms of our instrumentation and of our facilities. It is imperative that our scientists have the best possible working conditions and equipment as they explore the effects of potentially harmful environmental agents.

There are many tools available for use in providing information about environmental problems. and EPA needs access to all of them. Frankly, some of our tools, such as epidemiology, have fallen into disuse. We also are currently in danger of losing skills in the development of control technology. Such trends must and will be reversed. Environmental science, of course, is not the sole province of EPA laboratories. Much of EPA's historic success has stemmed from a program of cooperative effort between our scientists, and those in other laboratories. Of particular importance have been our ties to American research universities. We must continue to enlist the assistance of the academic community by strengthening our cooperative grants and center programs.

Let me close by repeating my observation concerning the momentum that has developed at EPA since the return of Bill Ruckelshaus. I hope to be able to build on that momentum by removing what impediments exist to the performance of research at EPA, by developing a cooperative working relationship with all interested groups in and out of the federal government, and by ensuring that all of our work meets the highest scientific standards.

CURRICULUM VITAE

NAME: Bernard D. Goldstein

DATE OF BIRTH: February 28, 1939

MARITAL STATUS: Married - two children

HOME ADDRESS: 417 Prospect Street, Westfield, NJ 07091

PROFESSIONAL ADDRESS:
UMDNJ-Rutgers Medical School
Dept. of Environmental & Community Medicine
Piscataway, New Jersey 08854
(201) 463-4530

ACADEMIC

1954-58	University of Wisconsin, Madison, Wis. B.S.
1958-62	New York University School of Medicine M.D. New York, New York
1962-65	Internship, Assistant Residency and Residency: Third & Fourth (NYU) Medical Divisions, Bellevue Hospital, New York, New York
1965-66	National Institutes of Health Post-doctoral Research Fellowship; Department of Medicine, New York University Medical Center, New York, NY
1963-66	Teaching Assistant in Medicine, New York University School of Medicine, New York, NY
1966-68	Surgeon, United States Public Health Service; Division of Air Pollution; on assigned duty to the Pulmonary Disease Service, Los Angeles General Hospital; and Department of Medicine, University of Southern California School of Medicine, Los Angeles, California
1966-68	Instructor in Medicine, Department of Medicine, University of Southern California School of Medicine, Los Angeles, California
1968-70	Instructor in Medicine, Department of Medicine, New York University School of Medicine, New York, New York
1968-71	Hematology Consultant, Goldwater Memorial Hospital, New York, New York
1968-80	Attending, Bellevue and University Hospitals, New York, New York

1970-75	Assistant Professor; Departments of Environmental Medicine and Medicine, New York University School of Medicine, New York, New York
1973-	Research Collaborator, Medical Department, Brookhaven National Laboratory, Upton, LI
1975-80	Associate Professor; Departments of Environmental Medicine and Medicine, New York University School of Medicine, New York, NY
1977-78	NIH Fogarty Senior International Fellow; Dept. of Biochemistry, Brunel University; and Dept. of Community Medicine, St. Thomas' Hospital & Medical School; London, England
1980-	Professor and Chairman, Department of Environmental & Community Medicine, College of Medicine and Dentistry of New Jersey-Rutgers Medical School, Piscataway, New Jersey
1980-	Adjunct Associate Professor, Department of Environmental Medicine, New York University Medical Center, New York, New York
1981-	Chief, Division of Environmental and Community Medicine, Ambulatory Service, Middlesex General Hospital

ORGANIZATIONS

Fellow, American College of Preventive Medicine
American Society for Clinical Investigation
Fellow, American College of Physicians
American Federation for Clinical Research
Air Pollution Control Association
American Society of Hematology
New York Society for the Study of Blood
New York Academy of Science
American Society for Photobiology
American Public Health Association
Society of Toxicology
Society for Occupational and Environmental Health
American Occupational Medical Association
Association of Teachers of Preventive Medicine

LICENSURE & BOARDS

New Jersey M.D. License #36979
New York M.D. License #092955
National Boards, Parts I, II and III
Certified by the American Board of Internal Medicine
Certified in the subspecialty of Hematology, American Board of Internal Medicine
Diplomate of the American Board of Toxicology

JOURNAL ARTICLES

1. Silber, R., Berman, E., Goldstein, B.D., Stein, H., Farnham, G. and Bertino, J.R. Methylation of nucleic acids in normal and leukemic leukocytes. Biochim. Biophys. Acta. 123:638, 1966.

2. Silber, R., Goldstein, B.D., Berman, E., Decter, J. and Friend, C. The effect of a murine leukemia virus on RNA metabolism. Cancer Res. 27:1264, 1967.

3. Goldstein, B.D. and Balchum, O.J. Effects of ozone on lipid peroxidation in the red blood cell. Proc. Soc. Exper. Biol. Med. 126:356, 1967.

4. Goldstein, B.D., Pearson, B., Lodi, C., Buckley, R.D. and Balchum, O.J. The effect of ozone on mouse blood in vivo. Arch. Environ. Health 16:648, 1968.

5. Goldstein, B.D., Duke, P.S., Demopoulos, H.B. and Balchum, O.J. Free radical signals associated with the ozonization of linoleic acid. Arch. Environ. Health 17:46, 1968.

6. Goldstein, B.D., Lodi, C., Collinson, C. and Balchum, O.J. Ozone and lipid peroxidation. Arch. Environ. Health 18:631, 1969.

7. Smith, W.C., Kaneshiro, M.M., Goldstein, B.D., Parker, J.W. and Lukes, R.J. Gaucher cells in chronic ganulocytic leukemia. Lancet 2:780, 1968.

8. Silber R. and Goldstein, B.D. Vitamin E and the hematopoietic system. Sem. Hematol. 7:40, 1970.

9. Goldstein, B.D., Buckley, R.D., Cardenas, R. and Balchum O.J. Ozone and Vitamin E. Science 169:605, 1970.

10. Balchum, O.J., O'Brien, J.S. and Goldstein, B.D. Ozone and unsaturated fatty acids. Arch. Environ. Health 22:32, 1971.

11. Hsu, J., Goldstein, B.D. and Harber, L.C. Photoreactions associated with in vitro hemolysis in erythropoietic protophorphyria. Photochem. Photobiol. 13:67, 1971.

12. Goldstein, B.D., Levine, M.R., Cuzzi-Spada, R., Cardenas, R., Buckley, R.D. and Balchum, O.J. Para-aminobenzoic acid as a protective agent in ozone toxicity. Arch. Environ. Health 24:243, 1972.

13. Goldstein, B.D. and Harber, L.D. Erythropoietic protoporphyria: lipid peroxidation and red cell membrane damage associated with photohemolysis. J. Clin. Invest. 51:892, 1972.

14. Harber, L.C., Hsu, J., Hsu, H. and Goldstein, B.D. Studies of photoprotection against porphyrin photosensitization using dithiothreitol and glycerol. J. Invest. Dermatol. 58:373, 1972.

15. Goldstein, B.D. Detection of hydrogen peroxide in the erythrocytes of rats and mice inhaling ozone. Arch. Environ. Health 26:279, 1973.

16. Goldstein, B.D., Lai, L.Y., Ross, S.R. and Cuzzi-Spada, R. Susceptibility of inbred mouse strains to ozone. Arch. Environ. Health 27:412, 1973.

17. Goldstein, B.D. Production of paroxysmal nocturnal haemoglobinuria-like erythrocytes by reducing and oxidizing agents. Br. J. Haematol 26:49, 1974.

18. Goldstein, B.D. and Balchum, O.J. Modification of the response of rats to lethal levels of ozone by enzyme inducing agents. Toxicol. Appl. Pharmacol. 27:330, 1974.

19. Goldstein, B.D., Lai, L.Y. and Cuzzi-Spada, R. Potentiation of complement-dependent membrane damage by ozone. Arch. Environ. Health 28:40, 1974.

20. Goldstein, B.D. Exacerbation of dapsone-induced heinz body hemolytic anemia following treatment with methylene blue. Am. J. Med. Sci. 267:291, 1974.

21. Goldstein, B.D. and McDonagh, E.M. Effect of ozone on cell membrane protein fluorescence. I. In vitro studies utilizing the red cell membrane. Environ. Res. 9:179, 1975.

22. Goldstein, B.D., Solomon, S., Pasternack, B.S. and Bickers, D.R. Decrease in rabbit lung microsomal cytochrome P-450 levels following ozone exposure. Res. Commun. Chem. Pathol. Pharmacol. 10:759, 1975.

23. Goldstein, B.D. Combined exposure to ozone and nitrogen dioxide. Environ. Health Persp. 13:107-110, 1976.

24. Snyder, C.A., Laskin, S. and Goldstein, B.D. An extractive method for determination of benzene in blood by gas chromatography. Am. Indus. Hyg. Assoc. J. 36:833, 1975.

25. Mukai, F.H. and Goldstein, B.D. Mutagenicity of malonaldehyde, a decomposition product of peroxidized polyunsaturated fatty acids. Science 191:868, 1976.

26. Goldstein, B.D. and McDonagh, E.M. Spectrofluorescent detection of in vivo red cell lipid peroxidation in patients treated with diaminodiphenylsulfone. J. Clin. Invest. 57:1302-1307, 1976.

27. Wildman, J.M., Freedman, M.L., Rosman, J. and Goldstein, B.D. Benzene and lead inhibition of rabbit reticulocyte heme and protein synthesis: Evidence for additive toxicity of these two components of commercial gasoline. Res. Commun. Chem. Pathol. Pharmacol. 13:473-486, 1976.

28. Goldstein, B.D., Paz, J., Giuffrida, J.G., Palmes, E.D. and Ferrand, E.F. Atmospheric derivatives of anaesthetic gases as a possible hazard to operating room personnel. Lancet 2:235, 1976.

29. Goldstein, B.D., Falk, G.W., Benjamin, L.J. and McDonagh, E.M. Alteration in the chloroform quenching of red cell membrane native protein fluorescence following incubation with malonaldehyde and other crosslinking agents. Blood Cells 2:535, 1976.

30. Goldstein, B.D., Marks, C.E. and Goldring, R.M. Red cell 2,3-diphosphoglyceric acid and methemoglobin levels in workmen occupationally exposed to automobile exhaust. Internatl. Arch. Occup. Environ. Health 38:295, 1977.

31. Snyder, C.A., Erlichman, M.N., Goldstein, B.D. and Laskin, S. An extraction method for determination of benzene in tissue by gas chromatography. Am. Indus. Hyg. Assoc. J. 38:272-276, 1977.

32. Benjamin, L.J., Goldstein, B.D., Distenfeld, A. and Troll, W. Production of paroxysmal nocturnal hemoglobinuria-like red blood cells by tea. Am. J. Hematol. 2:245-249, 1977.

33. Seligman, M.L., Flamm, E.S., Goldstein, B.D., Poser, R.G., Demopoulos, H.B. and Ransohoff, J. Spectrofluorescent detection of malonaldehyde as a measure of lipid free radical damage in response to ethanol potentiation of spinal cord trauma. Lipids 12:945-950, 1977.

34. Goldstein, B.D., Hamburger, S.J., Falk, G.W. and Amoruso, M.A. Effect of ozone and nitrogen dioxide on the agglutination of rat alveolar macrophages by concanavalin A. Life Sci. 21:1637-1644, 1977.

35. Melia, R.J.W., Du V Florey, C., Darby, S.C., Palmes, E.D. and Goldstein, B.D. Differences in NO_2 levels in kitchens with gas or electric cookers. Atmos. Environ. 12:1379-1381, 1978.

36. Snyder, C.A., Goldstein, B.D., Sellakumar, A., Wolman, S.R., Bromberg, I., Erlichman, M.N. and Laskin, S. Hematoxicity of inhaled benzene to Sprague-Dawley rats and AKR mice at 300 rpm. J. Toxicol. Environ. Health 4:605-618, 1978.

37. Goldstein, B.D. The combined effects of ozone and nitrogen dioxide. Environ. Health. Persp. 30:87-89, 1979.

38. Goldstein, B.D., Rozen, M.G., Quintavalla, J.C. and Amoruso, M.A. Decrease in mouse lung and liver glutathione peroxidase activity and potentiation of the lethal effects of ozone and paraquat by the superoxide dismutase inhibitor diethyldithiocarbamate. Biochem. Pharmacol. 28:27-30, 1979.

39. Hamburger, S.J. and Goldstein, B.D. Effect of ozone on the agglutination of erythrocytes by concanavalin A. I. Studies in rats. Environ. Res. 19:292-298, 1979.

40. Hamburger, S.J., Goldstein, B.D., Buckley, R.D., Hackney, J.D. and Amoruso, M.A. Effect of ozone on the agglutination of erythrocytes by concanavalin A. II. Studies of human subjects receiving supplemental Vitamin E. Environ. Res. 19:299-308, 1979.

41. Goldstein, B.D., Rozen, M.G. and Amoruso, M.A. Relation of fluorescence in lipid-containing red cell membrane extracts to in vivo lipid peroxidation. J. Lab. Clin. Med. 93: 687-694, 1979.

42. Goldstein, B.D., Witz, G., Amoruso, M.A. and Troll, W. Protease inhibitors antagonize the activation of polymorphonuclear leukocyte oxygen consumption. Biochem. Biophys. Res. Comm. 88:854-860, 1979.

43. Goldstein, B.D., Melia, R.J.W., Chinn, S., Florey, C. du V., Clark, D. and John, H.H. The relation between respiratory illness in primary schoolchildren and the use of gas for cooking. II. Factors affecting nitrogen dioxide levels in the home. Intl. J. Epid. 8:339-345, 1979.

44. Florey, C. du V., Melia, R.J.W., Chinn, S., Goldstein, B.D., Brooks, A.G.F., John, H.H., Craighead, I.B. and Webster, X. The relation between respiratory illness in primary schoolchildren and the use of gas for coooking. III. Nitrogen dioxide, respiratory illness and lung infection. Intl. J. Epid. 8:347-353, 1979.

45. Goldstein, B.D., Searle, A.J. and Willson, R.L. The susceptibility of red cell acetylcholinesterase to radiation-induced free radicals. Arch. Biochem. Biophys. 201:235-243, 1980.

46. Goldstein, B.D., Rozen, M.G. and Kunis, L. The role of red cell membrane lipid peroxidation in hemolysis due to phenylhydrazine. Biochem. Pharmacol. 29:1355-1359, 1980.

47. Snyder, C.A., Goldstein, B.D., Sellakumar, A.R., Bromberg, I., Laskin, S. and Albert, R.E. The inhalation toxicology of benzene: Incidence of hematopoietic neoplasms and hematotoxicity in AKR/J and C57BL/6J Mice. Toxicol. Appl. Pharmacol. 54:323-331, 1980.

48. Witz, G., Goldstein, B.D., Amoruso, M., Stone, D.S. and Troll, W. Retinoid inhibition of superoxide anion radical production by human polymorphonuclear leukocytes stimulated with tumor promoters. Biochem. Biophys. Res. Communs. 97:883-888, 1980.

49. Melia, R.J.W., Florey, C., du V., Chinn, S., Goldstein, B.D., Brooks, A.G.F., John, H.H., Clark, D., Craighead, I.B. and Webster, X. Indoor air pollution and its effects on health. Royal Soc. of Hlth, J., 1981.

50. Goldstein, B.D., Witz, G., Amoruso, M., Stone, D.S. and Troll, W. Stimulation of human polymorphonuclear leukocyte superoxide anion radical production by tumor promoters. Canc. Letts. 11:257-262, 1981.

51. Snyder, C.A., Erlichman, M.N., Laskin, S., Goldstein, B.D. and Albert, R.E. Pharmokokinetics of repetitive benzene exposures at 300 PPM and 100 PPM in AKR-mice and Sprague/Dawley rats. Tox. Appl. Pharm. 57:164-171, 1981.

52. Green, J.P., Snyder, C.A., Lo Bue, J., Goldstein, B.D. and Albert, R.E. Acute and chronic dose-response--Effects of inhaled benzene on multi potential hematopoetic stem (CFU/S) and granulocyte/macrophage progenitor (GM/CFU/C) cells in CD/1 mice. Tox. Appl. Pharm. 58:492-503, 1981.

53. Amoruso, M.A., Witz, G. and Goldstein, B.D. Decreased superoxide anion radical production by rat alveolar macrophages following inhalation of ozone or nitrogen dioxide. Life Sciences. 28:2215-2221, 1981.

54. Green, J.D., Snyder, C.A., Lo Bue, J., Goldstein, B.D. and Albert, R.E. Acute and chronic dose/response effect of benzene inhalation on the peripheral blood, bone marrow, and spleen cells of CD-1 male mice. Tox. Appl. Pharm. 59:204-214, 1981.

55. Snyder, C.A., Green, J.D., Lo Bue, J., Goldstein, B.D., Valle, C.D. and Albert, R.E. Protracted benzene exposure causes a proliferation of myeloblasts and/or promyelocytes in CD-1 mice. Bull. Environm. Contam. Toxicol. 27:17-22, 1981.

56. Goldstein, B.D., Melia, R.J.W., and Florey, C. du V. Indoor nitrogen oxides. Bul. N.Y. Acad. Med. 57:873-882, 1981.

57. Melia, R.J.W., Florey, C. du V., Goldstein, B.D., Clark, D., and John. Childhood respiratory illness and the home environment. I. Relations between nitrogen dioxide, temperature and relative humidity. Int. J. Epidem. 11:155-163, 1982.

58. Baarson, K.A., Snyder, C.A., Green, J.D., Sellakumar, A. Goldstein, B.D., and Albert, R.E. The hematotoxic effects of inhaled benzene on peripheral blood, bone marrow, and spleen cells are increased by ingested ethanol. Tox. Appl. Pharm. 64:393-404, 1982.

59. Amoruso, M.A., Witz, G., and Goldstein, B.D. Enhancement of rat and human phagocyte superoxide anion radical production by cadmium in vitro. Tox. Letts. 10:133-138, 1982

60. Goldstein, B.D., Snyder, C.A., Laskin, S., Bromberg, I., Albert, R.E. and Nelson, N. Myelogenous leukemia in rodents inhaling benzene. Tox. Letts. 13:169-173, 1982.

61. Snyder, C.A., Goldstein, B.D., Sellakumar, A., Bromberg, I., Laskin, S. and Albert, R.E. Toxicity of chronic benzene inhalation: CD-1 mice exposed to 300 ppm. Bull. Environm. Contam. Toxicol. 29:385-391, 1982

62. Goldstein, B.D., Witz, G., Javid, J., Amoruso, M.A., Rossman, T. and Wolder, B. Muconaldehyde, a potential toxic intermediate of benzene metabolism. Biol. Reactive Intermediates-II. 331-339., 1982.

63. Goldstein, B.D. Toxic substances in the atmospheric environment: A critical review. APCA J., Vol 33, No. 5:454-467, 1983.

MAJOR CONSULTATION AND COMMITTEE MEMBERSHIPS

1973	Committee Member, USDHEW, Review of Health Effects of Sulfur Oxide in the Ambient Air
1973-75	Chairman, Environmental Pollution Working Group, Health Research Council of the City of New York
1974-75	Consultant, National Academy of Sciences, Committee on Air Quality and Stationary Source Control
1975	Consultant, Panel on Photochemical Oxidants and Ozone; Committee on Medical and Biological Effects of Environmental Pollutants, National Research Council, Report on the "Biochemical Basis of Ozone Toxicity"
1976	Consultant, US Congress, Office of Technology Assessment
1976-80	Committee Member, National Academy of Sciences, Committee on Research Needs on the Health Effects of Fossil Fuel Combustion Products
1976-77	Consultant, State of California, Air Resources Board
1977	Consultant, US Occupational Safety and Health Administration, Presentation of testimony concerning the Hematological Toxicity of Benzene in Man
1977	Consultant, US Environmental Protection Agency, Leadership of group, authoring draft for benzene health effects document
1977	Consultant, US DHEW Committee on Health and Ecological Effects of Increased Coal Utilization, Chaired by Dr. David Rall
1979-1980	Committee Member, National Academy of Sciences, Committee on Alkyl Benzene Derivatives
1979-1980	Member, Health Systems Agency of New York City, Working Group on Environmental and Occupational Health
1980	Consultant, US Environmental Protection Agency, Review of hematological effects of benzene in man
1980-	Member, State of New Jersey Governor's Science Advisory Committee
1980-	Member, Toxicology Study Section, National Institutes of Health; Chairman, 1982-84.
1980-	Member, US Environmental Protection Agency Clean Air Scientific Advisory Committee Subcommittee on Health Effects of Sulfur Oxides and Particulates

1980-81	Member, New York Academy of Science Panel on the Health Implications of Automobile Emissions
1980-	Member, US Environmental Protection Agency Clean Air Scientific Advisory Committee Subcommittee on the Health Effects of Nitrogen Oxides
1981-	Member, Editorial Board, *Toxicology Letters*
1981 -	Member, Committee on Sampling Strategies, Board of Toxicology and Environmental Health Hazards, National Research Council, National Academy of Sciences
1981-	Contributing Editor, *American Journal of Industrial Medicine*
1981-	Member, Long Range Planning Committee, Mechanisms Section of Society of Toxicology
1981-82	Member, Subcommittee on Occupational and Environmental Cancer, National Cancer Institute
1981-82	Member, Organizing Committee, International Symposium on Biomedical Effects of Ozone and Related Photochemical Oxidants
1982-	Member, Program Committee, Society of Toxicology
1982-	Chairman, U.S. Environmental Protection Agency, Clean Air Science Advisory Committee
1982-	Member, Program Committee, New Jersey Health Sciences Group
1982-83	Member, Conference Committee, New York Academy of Science
1982-	Member, National Academy of Sciences Briefing Panel on Urgent Research Opportunities on Human Health Effects of Hazardous Exposures
1982-	Chairman, Committee on Vapor Phase Organics from Diesels, National Academy of Sciences/National Research Council
1982-	Member, Board on Toxicology and Environmental Health Hazards, National Academy of Sciences/National Research Council
1982-	Member-at-large, Executive Committee, New Jersey Public Health Association
1983-	Member, Science Advisory Board, U.S. Environmental Protection Agency
1983-	Member, Executive Committee, American Board of Toxicology, Inc.

ABSTRACTS & PRESENTATIONS

1. Goldstein, BD, Stein, H, Farnham, G, Bertino, JR and Silber, R. The methylation of nucleic acids by human leukocytes. Presented at the annual meeting of the American Society of Hematology, Philadelphia, December, 1965. Blood 26:873, 1965.

2. Goldstein, BD, McFadden, C and O'Brien, JS. Spur cells in alcoholic cirrhosis. Clin Res 16:303, 1968.

3. Goldstein, BD. Cellular effects of air pollutants. Presented at the American College of Chest Physicians' Conference on Clinical Application of Cardiopulmonary Physiology, Los Angeles, February 12, 1968.

4. Goldstein, BD and Balchum, OJ. Cellular toxicity of ozone. Presented at the annual meeting of the California Medical Association, San Francisco, March 27, 1968.

5. Goldstein, BD, Lodi, C, Collinson, C and Balchum, OJ. Ozone and lipid peroxidation. Presented at the American Medical Association Air Pollution Medical Research Conference, Denver, July 23, 1968.

6. Smith, WC, Kaneshiro, MM, Goldstein, BD, Parker, JW and Lukes, RJ. Gaucher cells in chronic granulocytic leukemia. Presented at the annual meeting of the International Academy of Pathology, San Francisco, March 11, 1969. Lab Invest 20: 603, 1969.

7. Goldstein, BD, O'Brien, JS and Balchum, OJ. Ozone and unsaturated fatty acids. Presented at the 62nd annual meeting of the Air Pollution Control Association, New York, June 26, 1969.

8. Goldstein, BD, Hsu, J and Harber, LC. Photochemolysis in erythropoietic protoporphyria. Presented at the annual meeting of the American Society of Hematology, Cleveland, Blood 34: 856, 1969.

9. Goldstein, BD. Ozone and lipid peroxidation in red cell membranes. Presented at the Seminar on Biochemical Effects of Oxidant Pollutants, National Air Pollution Control Administration, USPHS, Cincinnati, December 10, 1969.

10. Harber, LC, Hsu, J and Goldstein, BD. Photoreactions associated with in vitro hemolysis in erythropoietic protoporphyria. Presented at the Society for Investigative Dermatology, Atlantic City, May 2, 1970.

11. Goldstein, BD, Trainor, FS, Griffin, EL, Smodlaka, M and Puzsier, L. Response of paramters of work physiology to the treatment of iron deficiency anemia. Presented at the XIII International Congress of Hematology, Munich, August, 1970.

12. Goldstein, BD. Photochemical oxidants. Presented at the Toledo Region Air Quality Control Workshop, Toledo, November 4, 1970.

13. Goldstein, BD, Harber, LC, Cuzzi-Spada, R and Levine, MR. Erythropoietic protoporphyria. Presented at the American Federation for Clinical Research, Atlantic City, May 1, 1971. Clin Res 19:419, 1971.

14. Harber, LC, Goldstein, BD, Hsu, J and Hsu H. Protection by dithiothreitol against porphyrin photosensitization. Presented at the American Society of Clinical Investigation, Atlantic City, May 2, 1971.

15. Goldstein, BD. The effect of automobile pollution on urban living. Keynote address, International Conference on Automobile Pollution, Toronoto, June 26, 1972.

16. Goldstein, BD. Biological effects of the air pollutant ozone. Presented at the Symposium on Ozone and Singlet Oxygen in Chemistry, Biological Systems and Environment, 28th Southwest Regional Meeting, American Cancer Society, Baton Rouge, December 6, 1972. Abstract #194, p. 68.

17. Goldstein, BD, Lai, LY and Cuzzi-Spada, R. Fluorescence characteristics of ghosts in paroxysmal nocturnal hemoglobinuria. Clin Res 21:555, 1973.

18. Goldstein, BD. Photochemistry and photobiology of normal and abnormal erythrocytes. Presented at the Symposium on Photochemistry and Photobiology of Biomembranes, American Society for Photobiology Annual Meeting, Vancouver, July 25, 1974.

19. Goldstein, BD. Combined effects of ozone and nitrogen dioxide in vitro. Presented at the US-USSR Symposium on Environmental Health, Riga, USSR, Dec 11, 1974.

20. Goldstein, BD and McDonagh, EM. Spectrofluorescent detection of in vivo lipid peroxidation in patients receiving dapsone. Presented at the American Federation for Clinical Research, Atlantic City, May 4, 1975. Clin Res 23:274A, 1975.

21. Goldstein, BD. The health effects of sulfur dioxide. Presented at the 68th Annual Meeting of the American Institute of Chemical Engineers, Los Angeles, November 18, 1975, Paper #26B.

22. Goldstein, BD, Mukai, FH, Hamburger, SJ and McDonagh, EM. Malonaldehyde, a mutagenic agent resulting from lipid peroxidation. Presented at the Eastern Section, American Federation for Clinical Research, Boston, January 8-10, 1976. Clin Res 23: 595A, 1975.

23. Snyder, CA, Goldstein, BD and Laskin, S. Chronic inhalation studies of benzene with rats and AKR mice. Presented at the American Industrial Hygiene Conference, Atlanta, May, 1976.

24. Laskin, S, Snyder, CA and Goldstein, BD. Chronic toxicity of inhaled benzene with various rodent species. Proceedings of International Workshop on the Toxicity of Benzene, Paris, November 9-11, 1976.

25. Benjamin, LJ, Goldstein, BD and Troll, W. Effect of protease inhibitors on complement dependent hemolysis. Clin Res 24: 303A, 1976.

26. Goldstein, BD, Benjamin, LJ and McDonagh, EM. Colloid osmotic hemolysis due to arsine (AsH_3) gas. Clin Res 24:309A, 1976.

27. Goldstein, BD, Rozen, MG and McDonagh, EM. Phenylhydrazine-induced decrease in red cell membrane tryptophan and native protein fluorescence in vitro and in vivo. Proccedings, XVI International Congress of Hematology, Kyoto, September 1976, Abstract #2-27, p. 70.

28. Goldstein, BD. Lipid peroxidation in animals and man. Presented at NIEHS meeting on Oxidant Toxicity, Bethesda, March 4-5, 1976. Environ Health Persp 16:185A, 1976.

29. Goldstein, BD. In vivo red cell membrane lipid peroxidation in humans and animals with normal serum vitamin E levels. Presented at the American Oil Chemists' Society Symposium on Biological Effects of Special Lipids, Chicago, Sept 1976. J Am Oil Chem Soc 53:459A, 1976.

30. Goldstein, BD, Kunis, RL and Rozen, MG. Red cell lipid peroxidation. Presented at the American Society of Hematology meeting, Boston, December 6, 1976. Blood 48:963A, 1976.

31. Synder, CA, Erlichman, MN, Goldstein, BD and Laskin S. Pharmakinetic studies on rodents exposed to benzene vapor. American Industrial Hygiene Association Conference, May 1977.

32. Goldstein, BD and Hamburger, SJ, Falk, GW and Amoruso, MA. Effect of air pollutants on the agglutination of alveolar macrophages by concanavalin A. Presented at the American Federation for Clinical Research annual meeting; Washington, DC, May 2, 1977, Clin Res 25:416A, 1977.

33. Goldstein, BD. The hematotoxicity of benzene. Presented at the Gordon Research Conference on Toxicology and Safety Evaluation, August 5, 1977.

34. Goldstein, BD and Hamburger, SJ. Role of lipid peroxidation (LP) in the effects of oxidizing species. Presented at the International Conference on Singlet Oxygen and Related Species in Chemistry and Biology, August 21-26, 1977.

35. Snyder, CA, Goldstein, BD, Sellakumar, AR, Albert, RE and Laskin, S. Toxicity of inhaled benzene. Tox. Appl. Pharm. 45:265, 1978.

36. Troll, W, Belman, S, Goldstein, BD, Mukai, F and Machlin, L. Effect of feeding unsaturated or saturated fat on carcinogenesis on mouse skin. Proceedings of the American Association of Cancer Research, Cancer Res 19:106, 1978.

37. Hamburger, SJ and Goldstein, BD. The cross-linking effects of malonaldehyde on DNA and chromatin protein. Presented at the American Society of Biological Chemists' meeting, Atlanta, June 1978.

38. Goldstein, BD, Willson, RL and Searle, AJF. Inactivation of red cell acetylcholinesterase by free radicals. Presented at the XVII Congress of the International Society of Hematology, Paris, July 24, 1978.

39. Melia, RJW, du V Florey, C, Chinn, S, Goldstein, BD, Brooks, AGF, John, HH, Clark, D, Craighead, IB and Webster, X. The relation between indoor air pollution from nitrogen dioxide and respiratory illness in primary schoolchildren. Presented at the SEPCR Workshop on Lung Function in Epidemiology, Amsterdam, June 1979.

40. Goldstein, BD, Rozen, MG and Snyder, CA. Prolonged red cell glycerol hemolysis in mice inhaling benzene. Society of Toxicology Conference, March 1980.

41. Larson, KA, Snyder, CA, Goldstein, BD and Albert, RE. Synergistic hematotoxicity of inhaled benzene and ingested ethanol. Society of Toxicology Conference, March 1980.

42. Goldstein, BD, Snyder, CA, Rozen, MN, Bromberg, I and Littman, D. Hemolytic toxicity of arsine gas. Society of Toxicology Conference, March 1980.

43. Amoruso, MA, Witz, G and Goldstein, BD. Decreased superoxide anion radical production by rat alveolar macrophages following inhalation of ozone. Presented at the 19th annual meeting of the Society of Toxicology, Washington, D.C., March 1980.

44. Green, JD, Snyder, CA, Lo Bue, J, Goldstein, BD and Albert RE. Dose-response effect of 5-day benzene inhalation on bone marrow and spleen stem (CFU$_s$) progenitor (CFU$_c$) cells in male CD-1 mice. International Society of Hematology, August 1980.

45. Goldstein, BD, Witz, G and Troll, W. A role for oxygen free radicals in tumor promotion. Poster session, Gordon Conference on Oxygen Free Radicals in Biology and Medicine, Ventura, California, January 1981.

46. Witz, G, Goldstein, BD, Myers-Basting, L and Amoruso, MA. Alteration in DPH and native protein polarization of erythrocyte ghosts following in vitro exposure to ozone. Presented at the Mid-Atlantic Chapter, Society of Toxicology, Spring Symposium, CMDNJ-RMS, June 1981.

47. Amoruso, MA, Witz, G and Goldstein, BD. Effect of cadmium on DPH and protein polarization of human erythrocyte ghosts. Presented at the Mid-Atlantic Chapter, Society of Toxicology, Spring Symposium, CMDNJ-RMS, June 1981.

48. Fujii, T, Amoruso, MA and Goldstein, BD. Effects of cadmium and zinc on superoxide dismutase activity in vitro. Presented at the Mid-Atlantic Chapter, Society of Toxicology, Spring Symposium, CMDNJ-RMS, June 1981.

49. Rao, GS, Witz, G and Goldstein, BD. Reaction of trans, trans-Muconaldehyde, a possible toxic metabolite of benzene, with glutathione. Presented at the Mid-Atlantic Chapter, Society of Toxicology, Spring Symposium, CMDNJ-RMS, June 1981.

50. Lallian, BS, Rao, GS, Witz, G, Goldstein, BD and Silberg, LB. The effect of presumed toxic benzene metabolites on hepatic aminolevulinic acid dehydratase (ALAD) and sulfhydryl content. Presented at the Mid-Atlantic Chapter, Society of Toxicology, Spring Symposium, CMDNJ-RMS, June 1981.

51. Goldstein, BD, Witz, G and Troll W. The role of activated states of oxygen produced by inflammatory cells in tumor promotion. Presented at the Chemoprevention Workshop, National Institutes of Health, Maryland, June 1981.

52. Goldstein, BD. Indoor nitrogen oxides. Presented at the Symposium on Health Aspects of Indoor Air Pollution, New York Academy of Medicine, May 1981.

53. Amoruso, MA, Witz, G and Goldstein, BD. Alteration of membrane fluidity as a possible mechanism of cadmium toxicity. Presented at the 21st Annual Conference of the Society of Toxicology, Boston, February 1982. Toxicologist, 2, 5, 1982.

54. Witz, G, Goldstein, BD, Myers-Basting, L and Amoruso, MA. Fluorescence polarization studies of human erythrocyte membranes exposed to ozone in vitro. Presented at the 21st Annual Conference of the Society of Toxicology, Boston, February 1982. Toxicologist, 2, 10, 1982.

55. Lallian, BS, Rao, GS, Witz, G and Goldstein, BD. Altered hepatic δ-aminolevulinic acid dehydratase (ALAD) and sulfhydryl (SH) content due to presumed benzene metabolites. Presented at the 21st Annual Conference of the Society of Toxicology, Boston, February 1982. Toxicologist, 2, 66, 1982.

56. Rao, GS, Witz, G and Goldstein, BD. The reactivity of trans,trans-muconaldehyde, a possible toxic metabolite of benzene towards glutathione. Presented at the 21st Annual Conference of the Society of Toxicology, Boston, February 1982. Toxicologist, 2, 122, 1982.

57. Witz, G, Amoruso, MA and Goldstein, BD. Effects of ozone on alveolar macrophage function. Presented at the International Symposium on the Biomedical Effects of Ozone and Related Photochemical Oxidants, Pinehurst, NC, March 1982.

58. Witz, G, Rao, GS and Goldstein, BD. Short term toxicity of trans, trans-muconaldehyde, a potential benzene metabolite. Accepted for presentation at the 13th International Cancer Congress (UICC) to be held in Seattle, September 8-15, 1982.

59. Goldstein, BD, Witz, G. Zimmerman, J. and Gee, C. Free radicals and reactive oxygen species in tumor promotion. Presented at the Third International Conference on Superoxide and Superoxide Dismutase, New York, October 1982.

60. Goldstein, BD. Relationship of benzene exposure to human cancer. Presented at the Interagency Collaborative Group on Environmental Carcinogenesis, Bethesda, MD, June 1, 1983.

61. Melia, RJW, du V Florey, C, Chinn, S, Morris, RW, Goldstein, BD, John, HH, and Clark, D. Indoor monitoring of air pollution for studies of health. Presented at Warren Springs Lab., Investigation of Air Pollution, Standing Conference of Co-operating Bodies, England, June 6, 1983.

BOOK CHAPTERS, REVIEWS & CONFERENCE PARTICIPATION

1. Chairman, Session on Lipid Peroxidation, Gordon Conference on Free Radical Mechanisms, July, 1973.

2. Consultant, DHEW Review of Health Effects of Sulfur Oxides in the Ambient Air, Chaired by Dr. David P. Rall, Submitted to the US Office of Management and Budget, October 9, 1973 and published in Environ. Health Persp. 7:1, 1974.

3. Chairman, Session on Lipid Peroxidation, Gordon Conference on Magnetic Resonance in Biology and Medicine, August, 1974.

4. Coordinator, US-USSR Cooperative Program in Environmental Health, Problem III, Subject 2; the Development and Improvement of the Assessment Methods for Combined and Complex Effects of Pollutants (Ozone and Nitrogen Dioxide), 1974-present.

5. Participant, Conference on Health Effects of Fossil Fuel, Combustion Products, Electric Power Research Institute, Indian Wells, Ca, November 11-13, 1974. EPRI Publication # SR-11, May, 1975.

6. Goldstein, B.D. Health Effects of Sulfur Dioxides and Sulfates. In: A Report by the Commission on Natural Resources, National Academy of Sciences, U.S. Senate Committee on Public Works, #94-4, March, 1975, p. 1-169.

7. Chairman, Conference on the Health Impact of Stationary Source Fossil Fuel Air Pollution Control Measures in New York City, Sponsored by the Health Research Council of the City of New York, March 6, 1975.

8. Participant, Conference on Air Quality and Automobile Emissions, National Academy of Sciences, Washington, D.C., May 5, 1975. (NAS-NRC-NAE Report to the Committee on Environmental Decision Making, June 5, 1975).

9. Participant, National Conference on Preventive Medicine, American College of Preventive Medicine, Task Force II-Theory, Practice and Application of Prevention in Environmental Health; Fogarty Center, Bethesda, MD, June 9-11, 1975. (with R.E. Albert, Chapter on "Chronic and Degenerative Diseases", Preventive Medicine USA, Prodist., New York, 1976.

10. Participant, Computer-based Conference on Human Responses to Sulfur Pollutants, Brookhaven National Laboratory, Publication #BNL 20328: S.C. Morris and M.G. Mogan, Eds., Sept. - Nov., 1974.

11. Goldstein, B.D. Cellular Effects of Ozone. Reviews on Environmental Health 2:177-202, 1977.

12. Goldstein, B.D. Assessment of the Health Effects of Stationary Source Fossil Fuel Combustion Products, In: Risk-Benefit Methodology and Application, D. Okrent, Ed., UCLA Report #ENG-7598, December, 1975, p. 103-116.

13. Participant, Symposium on "Health Effects of Ozone and Oxidants", National Meeting of the American Institute of Chemical Engineers, Houston, March 21, 1976.

14. Member, Advisory Panel on Health Effects of Photochemical Oxidants, US Environmental Protection Agency, June 6-7, 1977, Report submitted August 23, 1977.

15. Laskin, S. and Goldstein, B.D., (editors), "Benzene Toxicity: A Critical Evaluation", J. Toxicol. Environ. Health, Suppl. 2, 1977; and Goldstein, B.D. Hematoxicity in Humans, Ibid, p. 69-105.

16. Goldstein, B.D. The pulmonary and extrapulmonary effects of ozone. Presented by invitation at the CIBA Symposium on the Biological Effects of Oxygen-Free Radicals, London, June 5-8, 1978, Symp. Proc., 295-319.

17. Cohen, H.S., Freedman, M.L., and Goldstein, B.D. The problem of benzene in our environment: Clinical and molecular considerations. Invited Review, Amer. J. Med. Sci. 275: 124, 1978.

18. Apling, A.J., Stevenson, K.J., Goldstein, B.D., Melia, R.J.W., and Atkins, D.H.F. Air pollution in homes 2: Validation of diffusion tube measurements of nitrogen dioxide, Report LR 311 (AP) of Warren Spring Laboratory, 1979.

19. Keynote Presentation, "Ozone Toxicology", Given at the Illinois Institute of National Resources Conference on the Health Effects of Ozone, Chicago, June 12, 1979.

20. Goldstein, B.D. Experimental and Clinical Problems of Effects of Photochemical Pollutants. Presented at the New York Academy of Medicine Symposium on Health Effects of Automotive Emissions, May 1980. Bulletin NY Academy Medicine 56:899-910, 1980.

21. Melia, R.J.W., Florey, C. du V., Chinn, S., Goldstein, B.D., Brooks, A.G.F., John, H.H., Clark, D., Craighead, I.B., and Webster, X. Indoor air pollution and its effects on health. Presented at the Chartered Institution of Service Engineers and the Royal Society of Health seminar "Health in the Home", Chester, England, May 1980, to be published.

22. Co-Director, Miniresidency in Occupational Medicine; CMDNJ-Rutgers Medical School; June 2-20, 1980.

23. Co-Director; Review Program for Toxicologists; CMDNJ-Rutgers Medical School; June-July, 1980.

24. Co-Chairman; NIOSH-ERC Second Annual Scientific Meeting; Recent Advances in Occupational Toxicology; New York, New York; September 25-26, 1980.

25. Troll, W., Witz, G., Goldstein, B.D., Stone, D. and Sugimura, T. The role of free oxygen radicals in tumor promotion and carcinogenesis. Presented at the Symposium on Co-carcinogenesis and Biological Effects of Tumor Promoters, Germany, October 13-16, 1980.

26. Goldstein, B.D. Hematological Toxicity of Benzene in Man. Presented at the American College of Toxicology Annual Meeting, Washington, D.C., December 1980. To be published.

27. Goldstein, B.D. The Benzene-Leukemia Connection. Presented at the American Industrial Hygiene Association Trisectional Meeting, Jamesburg, N.J., December 1980.

28. Goldstein, B.D. Benzene Haematotoxicity. Presented at the OSHA-NIOSH-European Economic Community Seminar on Assessment of Toxic Agents at the Workplace - Roles of Ambient and Biological Monitoring, Luxembourg, December, 1980. To be published.

29. Goldstein, B.D. and Snyder, C.A. Benzene Leukemogenesis. Presented at the Symposium on the Genotoxic Effects of Airborne Agents, Brookhaven National Laboratory, February 10, 1981.

30. Course Organizer, Basic Toxicology, One-day Postgraduate Seminar presented at the American Occupational Medicine Association Annual Meeting, Atlanta, April 28, 1981.

31. Goldstein, B.D. The Physician as Corporate Employee: Whose Ethic is it Anyway? Presented at the Seventh Annual Meeting at the Medical Ethics Institute, Washington and Lee University, Lexington, Virginia, May 22-24, 1981.

32. Goldstein, B.D. Toxicology Training for a Regulatory ERA, presented at the Toxicology Forum, Aspen, Colorado, July 21, 1981. To be published.

33. Goldstein, B.D. Muconaldehyde As A Possible Hematotoxic Metabolite of Benzene. Gordon Conference on Toxicology and Safety Evaluation, New Hampshire, August, 1982.

34. Goldstein, B.D. Assessing the Health Effects of Toxic Air Pollutants. Presented at the Technical Conference on Toxic Air Contaminants, Mid-Atlantic States Section, Air Pollution Control Association, Philadelphia, PA, November 5, 1982. Pub. in Proceedings: Mid-Atlantic States Section Air Pollution Control Association, Technical Conference on Toxic Air Contaminants, pg. 91-96.

35. Melia, R. J. W., du V. Florey, C., Chinn, S., Goldstein, B.D., John, H.H., Craighead, I.B. Children As a Sentinel for Respiratory Disease in the United Kingdom. Environmental Epidemiology, edited by P. E. Leaverton, 59-66, Praeger, New York, 1982.

36. du V. Florey, C., Melia, R. , Goldstein, B., Morris, R., John, H.H., and Clark, D. The Epidemiology of Indoor Nitrogen Dioxide in the U.K. Luftqualitat in Innenraumen, edited by Hrgb R. Aurand, B. Seifert and J. Wegner,209-218, Gustav Fischer Verlag, Stuttgart-New York, 1982.

37. Witz, G., Amoruso, M.A. and Goldstein, B.D. Effect of Ozone on Alveolar Macrophage Function: Membrane Dynamic Properties. Proc. of the Symposium on the Biomedical Effects of Ozone and Related Photochemical Oxidants. Princeton Scientific Pub Inc., Princeton, NJ, pg. 263-271, 1983.

38. Goldstein, BD, Witz, G., Zimmerman, J. and Gee, C. Free Radicals and Reactive Oxygen Species in Tumor Promotion. Oxy Radicals and Their Scavenger Systems, Vol. II, edited by Robert A. Greenwald and Gerald Cohen, 321-325, Elsevier Science Pub Co., Inc., The Netherlands, 1983.

39. Goldstein, B.D.. Clinical Hematotoxicity of Benzene. Carcinogenicity and Toxicity of Benzene., Vol. IV. Princeton Scientific Pub., Princeton, NJ, pg. 51-61, 1983.

United States of America
**Office of
Government Ethics**

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Bernard D. Goldstein, who has been nominated by President Reagan for the position of Assistant Administrator for Research and Development, Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Goldstein is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosure

FINANCIAL DISCLOSURE REPORT

JE

Page 1

Reporting Status (Check Appropriate Box)
☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Report

NOTE
All schedules must be filed. Enter "None" in areas or across schedules where appropriate

Agency Use Only
Date of Filing (Month, Day, Year): 10/11/83

OGE Use Only
OCT 27 1983

Reporting Individual's Name
Last Name: Goldstein
First Name and Middle Initial: Bernard D.

Position for Which Filing
Title of Position: Assistant Administrator
Department or Agency (If Applicable): Environmental Protect. Agency
Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.): 9/1/83
Termination Date (If Applicable) (Month, Day, Year):

Location of Present Office
Address (Number, Street, City, State and Zip Code): UMDNJ-Rutgers Medical Sch., Busch Campus, Fiscataway, NJ 08854
Room Number: N-100
Telephone No. (Include Area Code): 201-463-4530

Presidential Nominees Subject to Senate Confirmation
Name of Congressional Committee Considering Nomination: Senate Committee on Environment and Public Works
Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No per Don Nantkes 11/4/83 GTE

Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)
Title of Position(s) and Date(s) Held
1. Consultant, National Institutes of Health (Chairman, Toxicology Study Section)
2. Consultant, Environmental Protection Agency (Chairman, Clean Air Scientific Advisory Committee)

Certification
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.
Signature of Reporting Individual:
Date (Month, Day, Year): Oct. 11, 1983

Agency Ethics Official's Opinion
The information contained in this report discloses no conflicts of interest under applicable laws and regulations.
Signature of Designated Agency Ethics Official/Reviewing Official:
Date (Month, Day, Year): 10/25/83

Office of Government Ethics Use Only
Signature:
Date (Month, Day, Year):

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

See ~~Attachment~~ Schedule* D. for recusal statement.

☐ (Check box if comments are continued on the reverse side)

*Per Don Nantkes 11/4/83 GTE

276-107

[illegible] IN PROPERTY
[illegible] in the case of [illegible] individuals

Do you, your spouse, or dependent child [illegible] have a beneficial interest in a trust?	X
If "yes", have you reported the income from the trust?	
If "yes", have you reported the assets of the trust?	
If "yes", is this trust an "excepted" trust? Yes ☐ No ☐ or "qualified" trust?	

	Yes	No
[illegible] any interests in property, [illegible] purchases, sales, or exchanges, or liabilities [illegible] or dependent child which you have not reported?		X
[illegible] do you certify to all of the following? 1. The interest solely [illegible] of dependent child's financial interest or responsibility; 2. They are not, in any way, past or present, derived from your income, assets, or activities; 3. You neither derive, nor expect to derive, any financial or economic benefit from them, and 4. You do not have knowledge as to the composition of such interest or liabilities.		

Page Number 2

Schedule A

Reporting Individual's Name
Goldstein, Bernard D.

Agency Use Only
Date of Filing (Month, Day, Year)

		Income																		Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)											Valuation of Assets (✓)						
Spouse (S) or Dependent Child (DC)	Identification	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria		Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Natl. Inst. of Health - Toxicology Study Section							Honoraria			x						approx $2000.	various 1982								
	" " " "							"		x							approx $1200.	various 1983								
	US EPA - Clean Air Scientific Advisory Committee							"		x							approx $ 700.	various 1982								
	" " " "							"		x							approx $ 300.	various 1983								
	University of Pennsylvania							"		x							$125.	~~decreases~~ 1981	talk given in 1981; payment received in 1982. per Nathan 1/4/83 JTE							
	Air Pollution Control Assn.							"		x							$700.	5/1983								
	Health Effects Institute							"		x							$600.	4/29/83								
	St. Luke-Roosevelt Hosp. Ctr.							"		x							$150.	2/24/83								
S	(in custody for DC) Rapid Amer. Corp. Bond			x						x									under $1,000 per Don Nathan 1/4/83 JTE							
S	Money Market Funds (Oppenheimer & Alliance Capital)	x								x										H		x				
	Crestmont Fed. Sav. (NOW acct)			x						x										H		x				
S	Lesley Joyce Antiques (partnership)									x										F		x				
	Living Industries Stock	x							x											H	x					
S, DC	Cellular Technology Inc. stock	x							x											R		x				

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
[illegible] spouse, or dependent child receive income from, or have a [illegible] interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes" is this trust an "excepted" trust? ☐ Yes ☐ No or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X

If "Yes," do you certify to all of the following?

1. They represent solely your spouse's or dependent child's financial interest or responsibility;
2. They are not, in any way, past or present, derived from your income, assets, or activities;
3. You neither derive, nor expect to derive, any financial or economic benefit from them, and
4. You do not have knowledge as to the composition of such interest or liabilities. ☐ Yes ☐ No

Page Number ➤ 2A

Schedule A

Reporting Individual's Name: Goldstein, Bernard D.

Agency Use Only

Date of Filing (Month, Day, Year)

	Identification	Income																	Interests in Property						
		Type of Income (✓)							Category of Amount or Value (✓)										Valuation of Assets (✓)						
[illegible]		Dividends	Rent	Interest	Capital Gains	[illegible]	[illegible]	Other (Specify)	None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	University of Medicine and Dentistry of New Jersey (UMDNJ)														X		$83,149	1/1 - 12/31/82							
	UMDNJ														X		$60,608	1/1 to 9/9/83							

SF 278 Financial Disclosure Report
(Rev 6/81)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number ▶	3	Schedule B
Reporting Individual's Name	Bernard D. Goldstein	
Agency Use Only		
Date of Filing (Month, Day, Year)		

Report-Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	Not applicable											

[illegible]

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤	4	Schedule C
Reporting Individual's Name	Bernard D. Goldstein	
Agency Use Only		
Date of Filing (Month, Day, Year)		

I. Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

S or DC	Source (*Name and Address*)	Brief Description	Value
	Not applicable		

II—All Other Gifts—*List each source totaling $100 or more in value*

S or DC	Source (*Name and Address*)	Brief Description	Value
	Not applicable		

III. Reimbursements—*List each source totaling $250 or more in value*

S	Source (*Name and Address*)	Brief Description	Value
	Not applicable		

SF 278—Financial Disclosure Report (Rev. 6/81)

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name: Bernard D. Goldstein	Agency Use Only Date of Filing (Month, Day, Year)	Page Number	5	Schedule D

LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	$10,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	None						

Category of Amount or Value (✓)

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Dept. of Environmental & Community Medicine, UMDNJ-Rutgers Med. Sch., Busch Campus, Piscataway, NJ	Medical School	Professor & Chairman	2/1980	9/9/83
Dept. of Environmental Medicine, NYU Med. Sch. 550 First Ave., New York, NY 10016	Medical School	Adjunct Professor	2/1980	present
Toxicology Editors, Inc.	Partnership of authors	No Director's fees paid	8/1983	present

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section is applicable only in the case of nominees and new entrants.

Source (Name and Address)	Description of Duties
American Petroleum Institute	Consultant, funds turned over to UMDNJ-Rutgers Medical School
UMDNJ *	Professor and Chairman, Department of Environmental & Community Medicine and Professor of Medicine *

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
Arrangements for periodic consulting and expert witness services in non-federal matters with the Shell Oil Company, Exxon Corporation, DuPont Corporation, Great Lakes Chemical Company and the Formica Corporation to complete work performed for these companies as a professor at Rutgers. As an EPA consultant, I do not participate in matters affecting these companies and, if confirmed as Assistant Administrator, I will immediately terminate these arrangements.		
On an unpaid leave of absence from UMDNJ; no pension *		

* Per Don [illegible] 11/4/83 [illegible]

Responses to Senator Durenberger's Questions

for

Dr. Bernard Goldstein

> As a result of budget cuts and the closing of several EPA research labs, the morale of the scientists in the Office of Research and Development is reported to be very low. Also, there appears to be a lack of communication between some laboratory directors and career scientists in the laboratories, with the result that the staff feel their work is not understood and not appreciated. What will you do to assure the research staff of their importance to the Agency and to restore public confidence in EPA's research capability? Do you believe that laboratory directors should be persons with a strong background in research?

Over the past three years, ORD's budgets have been reduced, drastically so in some areas, with predictable detrimental impacts on our laboratories, programs, and scientific staff. It has also been quite some time since ORD has had an official Assistant Administrator, and it is only because of the extraordinary performance of Dr. Courtney Riordan, who has been the Acting Assistant Administrator for almost two years, that the scientific programs of ORD have managed to maintain a reasonable level of productivity under very adverse circumstances.

Largely because of budget problems, morale has been low throughout the organization for an extended period of time. However, in my recent visits to the laboratories and in my contacts with laboratory managers and scientists, I sensed a mood of optimism which began when Bill Ruckelshaus became EPA's Administrator and is gaining momentum today. Among my principal objectives as Assistant Administrator will be to bring about stability in our R&D programs and to provide avenues for the recognition of the significant contributions of our scientists in order to foster and enhance this new feeling of pride in our work at EPA.

My philosophy is that the major function of the Assistant Administrator of ORD, and of the ORD headquarters staff, is to facilitate the work of the laboratory scientist or risk assessor. I fully intend to focus our efforts on providing the wherewithal for the laboratory scientist to make their contribution to EPA's mission unencumbered by needless bureaucratic impediments.

I believe that the key to reassuring the research staff of the importance of their contributions to the Agency's mission, as well as to restoring public confidence in our research capability, is long-term stability in our R&D programs. Program stability will allow our scientists to plan and conduct useful work which will contribute to the Agency's goals and provide the personal and professional rewards that accrue from meaningful research products that have an impact on environmental protection.

I will encourage our office directors, laboratory directors and their management staffs to adopt a "people orientation" as opposed to a "program orientation" because it is my philosophy that good people, properly motivated through the stimuli of meaningful work and recognition for their contributions, will provide good R&D programs. The result will be the reconstruction of a sound, viable R&D program at EPA, and the track record of such a program will go a long way toward restoring public confidence.

In response to the final facet of your question, I do think it is almost essential that our laboratory directors have a strong research background. The laboratory directors must have the cooperation of their people if they are to successfully carry out their responsibilities, and this generally requires an appreciation and a working knowledge of research activities. I plan to use productivity, quality of products, and responsiveness to Agency needs as the major measures of a laboratory manager's effectiveness.

1. Research programs differ from other types of operational activities in the necessity for long-term maintenance of projects and personnel. I am very concerned about the instability that has been introduced into EPA research efforts primarily because of the uncertainty of funding.

   What would you do to establish long-term stability and continuity in the face of disruptive budget fluctuations?

I share your concern about the instability of funding for research. I have found that severe budget fluctuations are a major disruptive force in the planning and execution of our research. The disruptiveness is apparent in morale problems that have resulted from budget cuts. The fluctuations also contribute to a growing concern of many of our researchers that, once begun, they will be unable to bring their projects to an appropriate, scientifically meaningful conclusion.

I recognize, of course, that change is inherent in the very nature of EPA's mission to protect the environment. Some flexibility, therefore, must be built into the research program so it can respond to EPA's changing needs. I accept the challenge to provide for that necessary flexibility while maintaining a strong, stable base of research operations. I have made it a management priority to promote this stable base by guarding our programs against needless fluctuations.

This management commitment is essential because I believe improved stability will ultimately enable us to better attract and retain quality scientists, improve morale, and turn out the best quality products possible.

2. In recent hearings held by my Subcommittee on environmental research and development, the familiar but important issue of national environmental data banks was raised. The need for a systematic catalogue of national environmental data has never been more evident. We spent millions on data collection but if we cannot access this information to aid the decision-making process, it is of limited use.

   Do you have any plans to encourage the development of a national data bank to aid the management of air and surface and ground water quality problems?

I share your concern about the difficulty decision-makers face in trying to access and utilize environmental data. This concern is also shared by the Administrator and Deputy Administrator of the Agency. They have already initiated an effort to address the problem. Since EPA either generates, sponsors, or requires the production of a great deal of environmental monitoring data, we believe that achievement of systematic and compatible environmental data bases within EPA will greatly improve the access and utility of data for decision-makers.

The Monitoring Task Force was recently established to study the situation and to recommend changes in the Agency's present monitoring and environmental data collection activities. A central charge to the Task Force is the preparation of a Policy on Environmental Monitoring. Several of the specific goals of the Policy address directly the problems of environmental data. For example, two of the goals are to make sure that agency monitoring programs:

- meet the full range of current and future agency needs for environmental data
- ensure that data are managed to facilitate both access and appropriate use in Agency decision making.

The Task Force has the full support of the Administrator and other top management so I fully expect their recommendations will be implemented and will lead to the kinds of improvement you are seeking.

In addition to sharing your concern about environmental data, I am also concerned about the need for linkage among the various governmental health data bases, e.g., those of the National Center for Health Statistics, Social Security Administration, and the National Institutes of Health. If legitimate anxieties about data privacy can be overcome, such linkage would dramatically improve our ability to assess the effects of chemical exposures of humans relatively rapidly and inexpensively. I intend to encourage the development of such linkages in my position as Assistant Administrator for Research and Development in EPA.

3. The Agency has had difficulties establishing quality standards in the past because of the lack of health effects data. The crucial need for such standards to implement environmental laws, such as the Safe Drinking Water Act is clear.

   What is your review of the relative importance of health effects research to the Agency's activities?

   Would you consider it a future priority of your office?

As a health scientist I certainly consider the health research program to be of very great importance to the Agency. The purpose of EPA's health research program is to enable the Agency to make better estimates of morbidity and mortality resulting from a given environmental exposure to a toxicant. This results in research in three main areas: First the production of doseresponse data; second, the development of better tests for producing dose-response data; and third, research to improve the estimates of morbidity and mortality from dose-response data. This third area consists largely of researching the very difficult problem of making extrapolations to the general population.

Obviously such work is vital to a measured and intelligent approach to environmental regulation and standard setting.

Having served as an adviser to EPA in this area for a number of years, I have some degree of familiarity with the health aspects of the R&D program. Let me point out that my service on the Clean Air Scientific Advisory Committee has taught me that one does not approach an environmental problem solely from the point of view of health. We must understand and integrate all aspects of scientific knowledge if we are to deal effectively with environmental problems. My first order of business has been to become familiar with the non-health aspects of the ORD research program. I have been delighted to discover our strengths in monitoring, ecological effects, and control technology. Until I become more familiar with all aspects of the current R&D program, it is impossible and I believe improper for me to make any statement concerning the relatively importance of health effects research beyond stating that it is a priority.

STATEMENT

OF

MILTON RUSSELL

FOR CONFIRMATION

AS ASSISTANT ADMINISTRATOR

FOR POLICY, PLANNING AND EVALUATION

U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE

U. S. SENATE COMMITTEE

ON ENVIRONMENT AND PUBLIC WORKS

MONDAY, NOVEMBER 14, 1983

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS:

MY NAME IS MILTON RUSSELL. I AM HONORED AND PRIVILEGED TO APPEAR BEFORE YOU TODAY, SEEKING YOUR RECOMMENDATION FOR CONFIRMATION AS ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING AND EVALUATION OF THE ENVIRONMENTAL PROTECTION AGENCY. AT THE OUTSET, I WOULD LIKE TO MAKE PLAIN MY INTENTION -- IF I SHOULD BE CONFIRMED -OF WORKING CLOSELY WITH THIS COMMITTEE AND WITH THE CONGRESS AS A WHOLE IN PURSUING THE VITALLY IMPORTANT CAUSE OF ENVIRONMENTAL PROTECTION.

I PLAN TO DISCUSS BRIEFLY WHY I THINK MY EXPERIENCE PREPARES ME FOR THE CHALLENGING POSITION TO WHICH I HAVE BEEN NOMINATED AND WHY I WANT TO ACCEPT THAT CHALLENGE.

FIRST, LET ME DESCRIBE FOR YOU WHO I AM, WHERE I HAVE BEEN AND HOW I COME TO BE SITTING BEFORE THIS COMMITTEE TODAY. I GREW UP ON A FARM IN TEXAS WHICH MY FAMILY STILL OWNS AND OPERATES. I HAVE LIVED THE MAJORITY OF MY LIFE IN RURAL AND SMALL TOWN AMERICA. EVEN TODAY, RESIDING IN WASHINGTON, I SPEND MOST WEEKENDS AT A CABIN IN THE SHENANDOAH AND MY VACATIONS FISHING, CAMPING AND HIKING AT A LAKE IN CANADA.

Professionally, I am trained as an economist. After receiving a Doctorate in economics from the University of Oklahoma, I taught the subject on the university level for a number of years, and was chairman of the department at Southern Illinois University where I spent the bulk of my academic career. Since my graduate school days I have been especially interested in that aspect of economics which deals with the preservation and effective management of our natural resources and the protection of our environment. It was my interest and work on this subject which brought me to my first government appointment, as a staff economist at the Federal Power Commission in 1966 and 1967, on leave from the academic appointment to which I then returned.

The next few years -- years when terms like "energy crisis" and "environmental protection" became part of our lexicon -- were years of growing awareness that public health, environmental protection, economic well-being, and wise use of our natural resources were interconnected subjects. The intellectual ferment of this period made it an exciting time to be a natural resources economist, especially for one such as myself interested in applying analysis to national policy problems. In 1974 I accepted an invitation to serve as a Senior Staff Economist to President Ford's Council of Economic Advisers, where I remained until mid-1976.

Since leaving the Council of Economic Advisers I have been with Resources for the Future, a non-profit, independent public policy research institution here in Washington which specializes in impartial analysis of problems in the areas of natural resources and the environment. In 1979 I was appointed director of RFF's Center for Energy Policy Research.

In addition to this career experience, I have written numerous articles and several books in economics and natural resource policy, and have maintained professional affiliation with other individuals and groups expert in this subject. With this professional background and set of personal interests and commitments, I believe you can understand my enthusiastic response to the opportunity to work with Bill Ruckelshaus and Al Alm in pursuing the mission of EPA.

Bill Ruckelshaus has stated many times that the argument over whether or not we are going to have environmental protection has long since been settled. He would not have come back to EPA if there were any doubt on that score, nor would he have asked me to work with him if I were any less committed to the cause myself.

I believe deeply in the mission for which Congress created EPA. That mission is no less urgent now than it was thirteen

YEARS AGO. IF THE GOALS ARE THE SAME, THOUGH -- THE PROTECTION OF THE HEALTH AND ENVIRONMENT OF THE AMERICAN PEOPLE -- THE TASK AT HAND IS PERHAPS MORE DIFFICULT. ENVIRONMENTAL PROBLEMS STILL EXIST, NEW ONES ARE BEING CREATED OR DISCOVERED IT SEEMS ALMOST DAILY, AND THE ACHIEVEMENTS OF THE PAST MUST CONTINUALLY BE MADE SECURE IN A GROWING, CHANGING ECONOMY.

IT IS IN THE AREA OF MARRYING ENVIRONMENTAL IMPERATIVES WITH THE MOST EFFECTIVE METHODS FOR ACHIEVING THEM THAT THE OFFICE WHICH I HAVE BEEN NOMINATED TO HEAD PLAYS A MAJOR ROLE. THE OFFICE OF POLICY, PLANNING AND EVALUATION (OPPE) AT EPA IS COMPOSED OF THREE ELEMENTS, AN OFFICE OF POLICY ANALYSIS, AN OFFICE OF STANDARDS AND REGULATIONS, AND AN OFFICE OF MANAGEMENT SYSTEMS AND EVALUATION. IT IS A UNIQUE RESOURCE, WITH A SUPERB STAFF THAT HAS THE MANDATE TO THINK THROUGH THE CONSEQUENCES OF CURRENT AND POTENTIAL EPA RULES AND POLICIES, TO LOOK AHEAD TO PROBLEMS AND OPPORTUNITIES STILL ON THE HORIZON, AND TO ASSIST PROGRAMS IN THEIR IMPLEMENTATION AND MANAGEMENT FOR ENVIRONMENTAL EFFECTIVENESS. OPPE IS INTIMATELY INVOLVED WITH EPA'S MISSION: THE ACHIEVEMENT OF THE HIGH LEVEL OF ENVIRONMENTAL RESULTS THE CONGRESS AND THE AMERICAN PEOPLE HAVE MADE ABUNDANTLY CLEAR THEY WANT AND EXPECT IN THE MOST EXPEDITIOUS AND EFFICIENT WAY POSSIBLE.

I BELIEVE THAT MY DEEP REGARD FOR AND ENJOYMENT OF THE NATURAL ENVIRONMENT AND THE PROFESSIONAL SKILLS AND INSIGHTS

THAT I HAVE DEVELOPED AS A TEACHER, RESEARCHER AND POLICY ANALYST DEALING WITH VARIOUS RESOURCE ISSUES WILL STAND ME IN GOOD STEAD, SHOULD THE SENATE CONFIRM ME. THROUGH LONG EXPERIENCE, I HAVE BECOME ACCUSTOMED TO THE CONSIDERATION OF ALTERNATIVES WITHIN A COMPLEX OPERATING ENVIRONMENT, AND ESPECIALLY SENSITIVE TO LONG-TERM OR APPARENTLY REMOTE CONSEQUENCES OF ANY DECISION ABOUT HOW TO USE OR PRESERVE OUR NATURAL RESOURCES.

I WOULD LIKE TO CLOSE BY SAYING THIS: I HAVE SPOKEN OF THE TASK AHEAD AS A CHALLENGE, WHICH IT IS, BUT I ALSO LOOK FORWARD TO IT. I CAN THINK OF FEW GOALS MORE WORTHY OF GOVERNMENT ATTENTION THAN THE PROTECTION OF OUR HEALTH AND THE PRESERVATION OF OUR NATURAL TREASURES. IF CONFIRMED, I PLEDGE TO WORK CLOSELY WITH YOU TO UPHOLD AND IMPLEMENT THE LAWS THAT CONGRESS HAS PASSED IN PURSUIT OF THIS MISSION.

MR. CHAIRMAN, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU OR MEMBERS OF THE COMMITTEE MIGHT HAVE.

# # # # # #

May 1983

MILTON RUSSELL

Residence	Office
1852 Columbia Road, N.W. Washington, D.C. 20009 Telephone: 202/667-8239	1755 Massachusetts Ave., N.W. Washington, D.C. 20036 Telephone: 202/328-5050

Date and place of birth: October 28, 1933, Corpus Christi, TX

Education

B.A., Economics, Summa Cum Laude, Texas College of Arts and Industries, 1955
M.A., Economics, University of Oklahoma, 1957
Ph.D., Economics, University of Oklahoma, 1963

Professional Experience--Positions

1976 to present	Senior Fellow and Director (since 1979), Center for Energy Policy Research, Resources for the Future, Washington, D.C.
1974-1976	Senior Staff Economist, Council of Economic Advisers, Washington, D.C.
1971-1977	Professor, Southern Illinois University, Carbondale, IL
1970-1971	Visiting Professor, Department of Economics, University of Edinburgh, Edinburgh, Scotland
1967-1971	Associate Professor and Chairman, Department of Economics, Southern Illinois University, Carbondale, Il
1966-1967	Staff Economist, Office of Economics, Federal Power Commission, Washington, D.C.
1964-1967	Assistant Professor, Southern Illinois University, Carbondale, IL
1961-1964	Assistant Professor, Texas Christian University, Fort Worth, TX
1959-1961	Instructor, Iowa State University, Ames, IA

Other Professional Experience

1982-	Panel on Statistics on Natural Gas, Committee on National Statistics, National Research Council, Member
1982-	Advisory Committee for the Energy Division, Oak Ridge National Laboratory, Member
1982	Panel for the Workshop on Energy Policies in Taiwan, Board on Science and Technology for International Development, National Research Council, Member
1982-1983	Editorial Board, *Science*, Member
1980-1982	Member-at-Large, Executive Council, Washington chapter of the International Association of Energy Economists
1979-1980	Chairman, Committee on Energy Taxation, Assembly of Behavioral and Social Sciences, National Research Council
1980-	Board of Editors, *Energy Journal: The Journal of the International Association of Energy Economists*, Member
1980-1982	Joint Subcommittee of the Committee for Economic Development and The Conservation Foundation, Advisor
1979-1980	Committee on Energy Taxation, National Research Council-National Academy of Sciences, Member
1978-1979	Chairman, Steering Committee on Energy Taxation, Assembly of Behavioral and Social Sciences, National Research Council
1978-	Editorial Review Board, *Review of Regional Economics and Business*, Member
1978-	Board of Editors, *Journal of Cultural Economics*, Member
1978	Committee for Economic Development (CED). Design Committee on Long-Range Energy Policy, Consultant
1977	Committee for Economic Development, Research and Policy Committee report, *Key Elements of a National Energy Strategy*, Advisor
1976, 1977	Council of Economic Advisers (CEA), in preparation of the *Economic Report of the President*, Consultant
1976-1978	Energy Modeling Forum Working Group, Stanford University, Member

1975-1976	Federal Power Commission Natural Gas Survey, Natural Gas Curtailments Strategy Task Force
1974	U.S. House of Representatives Committee on Banking and Currency, Ad Hoc Committee on Domestic and International Monetary Effect of Energy and Other Natural Resource Pricing, research contract (with Douglas R. Bohi)
1973	Ford Foundation, Energy Policy Project, Consultant
1972	Panhandle Eastern Pipeline Company, commissioned study
1969-1970 and 1973-1974	Resources for the Future, research grants, Consultant
1967-1970	Federal Power Commission, Consultant

Papers and Presentations at Professional Meetings

"Area-Price Approach to Gas Field Sales Regulation: Policy Goals and Their Attainment," Southern Economics Association, November 1963.

"Federal Tax Incentives and State Utility Regulation," Southern Economics Association, November 1966.

"Resource Allocation and Utility Certification Decisions," Midwest Business Administration Association, April 1968 (published, see below).

"Government Regulation and Modern Capitalism, A Response," Association for Evolutionary Economics, December 1968.

"Current Issues in Utility Regulation," The Conference on Current Issues in Public Utility Management and Regulation, University of Illinois at Chicago Circle, August 1969.

"Producer Regulation for the 1970's," Resources for the Future Conference on Gas Regulation, October 1970 (published, see below).

"Fundamentals of Utility Pricing--Incremental Analysis and Forecasting," American Gas Association Gas Rate Fundamentals Course, University of Wisconsin, June 1972. Similar papers, but with different emphases--environmental issues, the natural gas shortage, supplemental gas supplies, national energy policy--were also delivered each year, 1973-1977.

"A Model of Regulatory Agency Behavior" (with Robert B. Shelton), Southwest Economics Association, April 1973 (published, see below).

"The Natural Gas Shortage," National Association of Regulatory Utility Commissioners Short Course, Michigan State University, July 1973.

"Energy Use in the U.S. Economy" (with Douglas R. Bohi), conference, Omaha, NE, October 1973 (published as "Energy Crisis as a Problem in Economic Adjustment," see below).

"Energy and the Future," convocation address, University of Nebraska, Lincoln, February 1974.

"The National Energy Situation," Energy and Missouri Agriculture Conference, University of Missouri, March 1974 (issued by Missouri College of Agriculture as an occasional paper).

"Cross-Subsidies, Grants-in-Aid, and the Tiebout Hypothesis: The Efficiency/Equity Dilemma Revisited" (with Robert B. Shelton), Southwest Economics Association, March 1974.

"Energy," National Agriculture Outlook Conference of the U.S. Department of Agriculture, December 1974 (published, see below).

"U.S. Energy Policy," University of Akron, Distinguished Visiting Scholar address, March 1975.

"Natural Gas Curtailments: Administrative Rationing or Market Allocation," Institute of Public Utilities, Michigan State University, May 1975 (published, see below).

"Tenets of Economic Theory with Reference to the Capital and Energy Shortage," Iowa State University Regulatory Conference, May 1975 (published, see below).

"The Economics of the Regional Interest in Energy: Impact of Alternative Regulation Policies," American Enterprise Institute Conference, "Energy Policy: A New War Between the States?" Washington, DC, October 1975 (published, see below).

"Old Oil and New Oil, Some Comments," Second International Conference on Energy: Surplus Funds and Absorptive Capacity, University of Colorado, November 1975.

"Technology Commercialization," Seminar for ERDA Assistant Administrators and Project Managers (with Henry Jacoby), Washington, DC, December 1975.

"Development of Energy Policy," White House Youth Conference on Development of Science Policy, December 1975.

"The Significance of Transition Problems in the Use of Energy Models for Policy Purposes," Workshop on Modeling the Interrelationships Between the Energy Sector and the General Economy, Electric Power Research Institute, Washington, DC, January 1976 (published, see below).

"Experience, Experimentation and Marginal Cost Pricing," Symposium on Rate Design Problems of Regulated Industries, Kansas City, MO, February 1976 (published, see below).

"Perspectives on U.S. Energy Policy--The Economics of the Alternatives," seminar and/or address presented with variations at: Northwest Missouri State University; University of Missouri, Kansas City; Southern Illinois University, Carbondale (all in February 1976).

"Government and the Economy," U.S. Civil Service Commission Professional Training Program, March 1976.

"Development of Energy Policy Since the Arab Oil Embargo of 1973," Southwest Economics Association, April 1976 (published as "Turning Point in Oil Policy," see below).

"Oil Policy and Energy Choices," Texas Christian University Business Week Honors Address, April 1976.

"Perspectives on Energy Policy Making," Pennsylvania State University, May 1976.

"Economic Objectives for Energy," American Gas Association Executive Gas Rate Seminar, University of Maryland, October 1976; with revisions, August 1977.

"Regulatory Reform: Signposts for the Road Ahead," Symposium on Rate Design Problems of Regulated Industries, Kansas City, MO, February 1977 (published, see below).

"Age- and Time-Related Comparisons in Energy Strategies," (with William Ramsay), Southwest Economics Association, March 1977 (published as "Time Adjusted Health Impacts from Electricity Generation," see below).

"U.S. Energy Policy," U.S. Civil Service Commission Executive Seminar, Kings Point, NY, April 1977.

"Energy Policy: The High Cost of Low Prices," Hampton Institute, April 1977; with revisions, Westminster College, New Wilmington, PA, May 1977.

"National Energy Policy," Conference on National Energy Policy sponsored by the American Association for the Advancement of Science, The MITRE Corporation, and the Carnegie Institution of Washington. Washington, DC, May 1977 (published, see below).

Testimony before the Committee on the Budget, U.S. Congress, House of Representatives, June 1977 (published, see below).

"Energy Issues," National Economists's Club address, Washington, DC, June 1977.

"U.S. Energy Policy Options," American Economic Association Annual Meeting, December 1977 (published, see below).

"Government Policies Affecting Competitive Behavior in the Petroleum Industry" (coauthored with Douglas R. Bohi), Industrial Organization Society Annual Meeting, December 1977 (published, see below).

"Energy Policy: The National Security Connection," joint session of the Society of Government Economists and the International Association of Energy Economists at meeting of the Eastern Economics Association, 1978.

"Subsidies to the Arts: Distribution Effects and the Public Purse," Cultural Economics Association session at meetings of the Eastern Economics Association (published, see below).

"Increased Oil Imports: A Coal Alternative?" Third Energy and Public Lands Conference cosponsored by the University of Utah and the Environmental Law Institute, 1978.

"Energy Policy--Problems and Prospects," 1978 Rate Symposium on Regulated Industries, Kansas City, MO, February 1978 (published, see below).

"Oil and Development," at the Conference "Energy and Development in the Americas," cosponsored by the American Association for the Advancement of Science (AAAS Interciencia) and the Brazilian Society for the Progress of Science, Santos, Sao Paulo, Brazil, March 1978.

"World Oil Outlook: Prospects and Uncertainties," Electric Power Research Institute Seminar on Foreign Energy Supply, Washington, DC and Houston, TX, June 1978.

"Crude Oil Policy Options for 1979," Panel Discussion on U.S. Energy Policies, Southern Economic Association, Washington, DC, November 1978.

"Energy in America's Future: The Choices Before Us," Southwest Economics Association, Dallas, TX, March 1979.

"Energy Outlook for the 1980's," National Association of Business Economists and the National Economics Club, Annual-Outlook Conference, Washington, DC, April 1979.

"National Policy Towards OPEC: Possibilities and Limitations," Roundtable Discussion sponsored by New York State Energy Office, at the New School for Social Research, New York City, June 1979.

"Government Policies and Subsidies to Energy," UNITAR Conference on Long-Term Energy Resources, Montreal, Canada, November 1979 (published, see below).

"Prospects for Energy Supply, Demand and Price, 1980 and 1981," Third Japan-U.S. Policy Forum: World Economic Forecast and International Policies After Tokyo Summit, Tokyo, Japan, December 1979 (published, see below).

"The Economics of Energy Transition," presented at the Symposium on "Energy, Economics, and the Environment--Alternative Energy Futures: Getting From Here to There," American Association for the Advancement of Science, San Francisco, January 1980 (published, see below).

Statement before the Committee on the Budget, U.S. Congress, House of Representatives, February 1980 (published, see below).

"Policy Components of Energy in America's Future," Conference on "The U.S. Domestic Energy Environment: Where Do We Go From Here?" sponsored by the Center for Strategic and International Studies, Georgetown University, Washington, DC, March 1980.

"Issues of the 1980s: Energy Supply and Demand," Petroleum Industry Marketing Attorneys Meeting, Alexandria, VA, March 1980.

"U.S. Energy Policy: Crisis and Transition," University of Oklahoma, Norman, April 1980.

Review of the Energy Information Administration's 1979 Annual Report to Congress, College Park, MD, August 1980 (publication forthcoming).

"The Role of Government: Lessons of the Seventies; Issues of the Eighties," Second Annual North American Meeting of the International Association of Energy Economists, Washington, DC, October 1980.

"Energy Emergencies: Government Actions and Private Response," Chamber of Commerce of the United States conference on "Planning for an Energy Emergency," Washington, DC, October 1980 (published, see below).

Testimony before U.S. Senate Finance Committee hearings on Special Oil Taxes, Washington, November 1980 (published, see below).

"Energy Problems and Relationships Between Oil Producers and Consumers," Italian Society for International Organization conference on "Europe and the United States: Prospects for the 1980s," Florence, Italy, December 1980.

"Energy Problems and Economics: A U.S. Perspective, "Conference on "Economic Scenarios for the Eighties," sponsored by Bocconi and Cattolica Universities, Milan, Italy, December 1980 (published as "The Energy Problem in the 1980s", see below).

"Energy and National Security: Policy Options and the Reagan Administration," Symposium on the History of Energy Policy at the Lyndon Baines Johnson Library, Austin, TX, February 1981.

"Rising Energy Costs: Sharing the Burden," "Poverty, Growth and Peace: The World Energy Connection," and "Confrontational Politics and the Social Compact," all presented at the 51st Annual Conference of the Austalian-New Zealand Association for the Advancement of Science (ANZAAS), Brisbane, Australia, May 1981. Also, 9 seminars and addresses on U.S. energy policy at New Zealand and Australian universities, government offices, and research institutes, May-June, 1981.

"Future Energy Resources," meeting of the Multi-Regional Group on Future Energy Resources of the International Communication Agency, Washington, DC, September 1981.

"Nuclear Energy Prospects: The Broader Setting," International Conference on Nuclear Energy, sponsored by the World Nuclear Fuel Market, Washington DC, October 1981 (published, see below).

"Energy from a National and Global Perspective," 1982 Wyoming Energy Conference, Casper, February 1982.

"Overview of Policy Issues: A Preliminary Assessment," American Enterprise Institute Conference on Deregulation of Natural Gas, Washington, DC, March 1982 (publication forthcoming).

"Energy is an International Good," RFF Fall Forum on "U.S. Interests and Global Natural Resources--Energy, Minerals, and Food," Washington, DC, October 1982 (publication forthcoming).

"Field Price Deregulation and Changes in the Regulatory/Carrier Status of Natural Gas Pipelines" (with Harry G. Broadman and W. David Montgomery), Fourth Annual North American Meeting of the International Association of Energy Economists, Denver, CO, November 1982.

"Gas Utilities and Market Clearing Prices: Adjusting to Fluctuations in Burner Tip Demand," The Institute for Study of Regulation Ninth Annual Rate Symposium, Kansas City, MO, February 1983.

Testimony before the Subcommittee on Fossil and Synthetic Fuels, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC, April 12, 1983 (publication forthcoming).

Publications--Books and Reports

with Laurence A. Toenjes, Natural Gas Producer Regulation and Taxation (East Lansing, The Institute of Public Utilities, Michigan State University, 1972).

Editor and author of introductory essay, "The Political Economy of Public Utilities," Perspectives in Public Regulation: Essays on Political Economy (Carbondale, Southern Illinois University Press, [illegible]).

with Douglas R. Bohi and Nancy McCarthy Snyder, Oil Imports and Energy Security: An Analysis of the Current Situation and Future Prospects, Committee Print, U.S. House of Representatives, Committee on Banking and Currency, Report to the Ad Hoc Committee on the Domestic and International Monetary Effect of Energy and Other Natural Resource Pricing (Washington, U.S. Government Printing Office, 1974).

with Douglas R. Bohi, U.S. Energy Policy: Alternatives for Security (Baltimore, Johns Hopkins University Press for Resources for the Future, 1975).

with Douglas R. Bohi, Limiting Oil Imports: An Economic History and Analysis (Baltimore, Johns Hopkins University Press for Resources for the Future, 1978).

coauthor, *Energy in America's Future: The Choices Before Us* (Baltimore, Johns Hopkins University Press for Resources for the Future, 1979).

coauthor, *A Taxonomy of Energy Taxes*, Report of the Steering Committee on the Impact of Taxation on Energy Markets, National Research Council-National Academy of Sciences (Washington, 1979).

coauthor, *Energy Taxation: An Analysis of Selected Taxes*, Report of the Committee on Energy Taxation, National Research Council-National Academy of Sciences (Washington, 1980).

Publications--Articles in Professional Journals

"The Adequacy of Natural Gas Reserves," *Public Utilities Fortnightly*, October 14, 1965.

"Gas Pricing," *Business Perspectives*, Winter 1965.

with Robert B. Shelton, "A Model of Regulatory Agency Behavior," *Public Choice*, Winter 1974/75.

with Douglas R. Bohi, "Government Regulation and the Concept of Competition in the Petroleum Industry," *Industrial Organization Review*, vol. 6, no. 3, 1978.

with William Ramsay, "Time Adjusted Health Impacts from Electricity Generation," *Public Policy*, vol. 26, no. 3, Summer 1978.

"U.S. Energy Policy Options," *Materials and Society*, vol. 2, Pergamon Press Ltd., 1978.

with Douglas R. Bohi, "Oil Import Quotas: Lessons from the Past," *Energy Magazine*, 1978.

"Comments on Art Subsidy: Distribution Effects and the Public Purse," *The Journal of Behavioral Economics*, vol. VIII, no. [illegible], Summer 1979. Reprinted in the *Journal of Cultural Economics*, vol. 4, no. 2, December 1980.

"Energy Problems and Policy Instruments," *Review of Regional Economics and Business*, vol. [illegible], no. 1, April 1980.

"Production Subsidies Could Offset Oil Disruption," *Energy User News*, October 20, 1980.

"The Energy Problem in the 1980s," in *Giornale Degli Economisti e Annli di Economia (Journal of Economists and Annals of Economy)*, vol. XL, no.5-6, May-June 1981 (Milan, Italy).

Publications--Chapters in Professional Books

"Resource Allocation and Utility Certification Decisions," in Selected Structure and Allocation Problems in the Regulated Industries (East Lansing, Institute of Public Utilities, Michigan State University, 1969).

"Producer Regulation for the 1970's," in Keith Brown (ed.), Regulation of the Natural Gas Producing Industry (Baltimore, Johns Hopkins University Press for Resources for the Future, 1971).

with Douglas R. Bohi, "The Energy Crisis as a Problem in Economic Adjustment," in Energy and Agriculture: Research Implications (Lincoln, NE, North Central Regional Strategy Committee on Natural Resource Development, 1974).

"The Significance of Transition Problems in the Use of Energy Models for Policy Purposes," in Electric Power Research Institute, Proceedings: Workshop on Modeling the Interrelationships Between the Energy Sector and the General Economy, EPRI SR-45 (Palo Alto, CA, 1976).

"Experience, Experimentation and Marginal Cost Pricing," in Proceedings: 1976 Symposium on Rate Design Problems of Regulated Industries (Columbia, MO, University of Missouri, 1976).

"Regionalism: The Impact of Alternative Regulation Policies," in Edward J. Mitchell (ed.), Energy: Regional Goals and the National Interest (Washington, American Enterprise Institute, 1976).

"Tenets of Economic Theory (In the Face of Energy and Capital Shortages)," in Proceedings: Iowa State University Regulatory Conference on Public Utility Valuation and the Rate Making Process, vol. 14 (Ames, Iowa State University, 1976).

"Natural Gas Curtailments: Administrative Rationing or Market Allocation," in Harry M. Trebing (ed.), New Dimensions in Public Utility Pricing (East Lansing, Michigan State University, 1976).

"Regulatory Reform: Signposts for the Road Ahead," in Proceedings of the 1977 Symposium on Problems of Regulated Industries (Columbia, MO, University of Missouri, 1977).

"Energy," in Joseph A. Pechman (ed.), Setting National Priorities: The 1978 Budget (Washington, Brookings Institution, 1977). Also appeared as Resources for the Future reprint #145 (Washington, 1978).

"Energy Policy--Problems and Prospects," 1978 Rate Symposium on Regulated Industries (Columbia, MO, University of Missouri Press, 1978).

with Douglas R. Bohi, "Some Economic Effects of the United States Oil Import Quota," in Ragaei El Mallakh and Carl McGuire (eds.), U.S. and World Energy Resources: Prospects and Priorities (Boulder, University of Colorado International Research Center for Energy and Economic Development, 1978).

United States of America
Office of
Government Ethics

Office of Personnel Management
Washington, D.C. 20415

Honorable Robert T. Stafford
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Milton R. Russell, who has been nominated by President Reagan for the position of Assistant Administrator for Policy, Planning and Evaluation of the Environmental Protection Agency (EPA).

We have reviewed the report and have also obtained advice from the EPA concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. By memorandum dated September 19, 1983 (copy enclosed), Mr. Russell recused himself from participating in any EPA matters involving Insituform East, Inc. or Great Lakes International, Inc. Further, by his memorandum of August 30, 1983 (also enclosed), he voluntarily removed himself from any final decisions which might confer any financial benefit, such as a grant or contract, upon his former employer, Resources for the Future. We understand that these recusals will remain in effect.

Subject to these commitments, we believe that Mr. Russell is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David H. Martin
Director

Enclosures

U.S. Office of Personnel Management

FINANCIAL DISCLOSURE REPORT

Reporting Status (Check Appropriate Box)

☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Report

NOTE
All schedules must be filed. Enter "None" in areas or on those schedules where appropriate

Agency Use Only
Date of Filing (Month, Day, Year)
9/30/83

OGE Use Only
SEP 3 1983

Reporting Individual's Name	Last Name RUSSELL	First Name and Middle Initial MILTON R.		
Position for Which Filing	Title of Position Assistant Administrator for Policy, Planning and Evaluation	Department or Agency (If Applicable) U.S. Environmental Protection Agency	Date of Appointment, Candidacy, Election or Nomination (Mo. Day. Yr.)	Termination Date (if Applicable) (Month, Day, Year)
Location of Present Office	Address (Number, Street, City, State and Zip Code) 401 M Street, S.W., Washington, D. C. 20460		Room Number 1013W	Telephone No. (Include Area Code) 202/382-4332
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination Environment and Public Works		Do You Intend to Create a Qualified Diversified Trust? ☐ Yes	☑ No
Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held Special Assistant to the Administrator, Environmental Protection Agency (commencing July 1, 1983)			
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual Milton Russell			Date (Month, Day, Year) 9/30/83
Agency Ethics Official's Opinion The information contained in this report discloses no conflict of interest under applicable laws and regulations.	Signature of Designated Agency Ethics Official/Reviewing Official Gerald H. Yamada			Date (Month, Day, Year) 9/30/83
Office of Government Ethics Use Only	Signature David H Martin			Date (Month, Day, Year) 11-16-83

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse side) ☐

7/80 Edition of SF 278 is Usable

278-107

9/30/83

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
Is the trust an "excepted" trust? ... or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "yes", do you certify to all of the following? 1 They represent solely your spouse's or dependent child's financial interest or responsibility; 2 They are not, in any way, past or present, derived from your income, assets, or activities; 3 You neither derive, nor expect to derive, any financial or economic benefit from them; and 4 You do not have knowledge as to the composition of such interest or liabilities.		

Page Number ➤ 2

Schedule A

Reporting Individual's Name: RUSSELL, MILTON ROSS

Agency Use Only

Date of Filing (Month, Day, Year)

		Income																		Interests in Property As of July 1, 1983					
		Type of Income							Category of Amount or Value (✓)									Actual Amount	Date (Mo., Day, Yr.)	Valuation of Assets (✓)					
	CALENDAR YEAR 1982 -- 7-1-83	[illegible]	Rent	[illegible]	Capital Gains	Exc. Dep. Trust	Qualif. Trust		Not more than $100	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Only if "Other" Specified	Only if Honoraria	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Resources for the Future 1755 Mass. Ave., N.W., Wash., D.C.							Salary									$91,850.52								
	Brookings Institution 1775 Mass. Ave., N.W., Wash., D.C.							Honorarium									150.00	4/19/82							
	Union Carbide, Oak Ridge Nat'l Lab. Oak Ridge, TN							Honorarium									600.00 900.00	3/14/83 9/7/82							
	33 1/3% undivided interest in 397 a. farm in Nueces Co., TX (USO Farm Partnership)		X					Oil & Gas Bonus			X						3,967.03		D*				X		
	25% undivided interest in 310a farm in Nueces Co., TX		X					Oil & Gas Bonus					X				4,400.00		D*				X		
S	25% undivided interest in 310a. farm in Nueces Co., TX		X									X							D*				X		
	.00520833 interest in oil and gas property (royalty), Nueces Co., TX							Oil and Gas Royalty									28,427.67		D*			X			
	25% undivided interest in 506 a. farm in San Patricro Co., TX (ER Russell Partnership)		X						X								(1,191)		D*					X	
	2 cabins & 3.84 a. land in Marson, Ontario, plus $2,500 effects							MARKET VALUE SHOWN ON ASSESSMENT FORMS											D*			X			
	33 1/3% interest in Apt 3227-12 University Blvd., Kensington, MD (occupied by daughter)							MARKET VALUE SHOWN ON ASSESSMENT FORMS											D*		X				
S	33 1/3% interest in Apt 3227-12 University Blvd., Kensington, MD (occupied by daughter)							MARKET VALUE SHOWN ON ASSESSMENT FORMS											D*		X				
	Duke Power Co., Common	X								X									H		~~X~~	SOLD 8/22/83			
	Government Investors Money Market Fund 1735 K St., N.W., Wash., D.C.	X									X								H /		X				8/22/83
	Government Investors Money Market Fund 1735 K St., N.W., Wash., D.C.	X								X									H	Account Closed					

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is the trust an "excepted" trust? ... or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility, 2. They are not, in any way, past or present, derived from your income, assets, or activities, 3. You neither derive, nor expect to derive, any financial or economic benefit from them, and 4. You do not have knowledge as to the composition of such interest or liabilities		

Page Number ➤ 3

Schedule A

Reporting Individual's Name

RUSSELL, MILTON ROSS

Agency Use Only

Date of Filing (Month, Day, Year)

Spouse (S) or Dependent Child (DC)	Identification	Income: Type of Income: Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	Category of Amount or Value (✓): None (or less than $101)	$101-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount (Only if "Other" Specified)	Date (Mo. Day, Yr.) (Only if Honoraria)	Interests in Property As of July 1, 1983 — Valuation of Assets (✓): Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000	
	CALENDAR YEAR 1982 — 7-1-83																									
	Reserve Fund - Money Market Fund 810 7th. Ave. N.Y., N.Y. 10019	X								X											X					8-22-83
S	Reserve Fund - Money Market Fund 810 7th. Ave. N.Y., N.Y. 10019	X								X									H		X					
	Great Lakes International Common	X							X										H	X						
	Insituform East, Inc. Common								X										H		X					
	Prince George's County Md. Housing Authority Bond			X						X									E		X					
	Puerto Rico Electric Power Rev. Bond			X							X								E	X						
	Virginia Housing Development Authority Res. Mat. Bond			X						X							Sold 3-3-83		E		X					
	T. Rowe Price Family of Funds, IRA, Keogh, IRA Rollover, Retirement																		H			X				
	College Retirement Equity Fund-Retirement																		H					X		
	Teachers Insurance and Annuity Association - Retirement																		H			X				
S	T. Rowe Price Family of Funds, IRA Retirement																		H	X						
	Nuveen Municipal Bond Fund PO. Box 804, Kansas City, MO 64141	X									X								H		X					
	Perpetual American Fed. Savings and Loan; All Savers Certificate			X						X											Sold 10-4-82					
S	Perpetual American Fed. Savings and Loan; All Savers Certificates			X							X										Sold 10-4-82					

Financial Disclosure Report

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? [illegible] or "qualified" trust?		

	Yes	No
Are there any interests in property, transactions, sales or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X

If Yes, [illegible]

1. They [illegible] child's financial interest or [illegible]
2. They are not in any way, past or present, derived from your income, assets, or activities;
3. You [illegible] to [illegible] financial or economic benefit [illegible]
4. You [illegible] of such interest or liability.

Yes	No

Page Number ➤	4
Schedule	A
Reporting Individual's Name	RUSSELL, MILTON ROSS
Agency Use Only	
Date of Filing (Month, Day, Year)	

Spouse (S) or Dependent Child (DC)	Identification	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust					Value (✓) Actual Amount (Only if "Other" Specified)	Date (Mo., Day, Yr.) (Only if Honoraria)	Valuation Method	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
	Calendar Year 1982-July 1983																			
	First Nat'l Bank, Strasburg, VA.			X							X			H		X				
	American Enterprise Institute* 1150 17th St.,N.W., Wash.,D.C.							Honarium*				$1,500,00*	3-10-82							
	*This $1,500 was turned over to Resources for the Future on 4-6-82																			
	Cabin, 42a. land & effects in Shenandoah Co., VA (Rt. 1 Star Tannery)							MARKET VALUE SHOWN ON ASSESSMENT FORM									X			
	University of Missouri, Columbia, MO.							Honarium				200.00	1-28-83							
S	Calvert Group of Funds 1700 PA Ave., N.W., Wash., D.C.	X								X				H		X				
	Bowater PLC ADR, Common Stock	X			X					X				~~H~~	~~X~~	Sold	8/22/83			
	Dominion Resources, Common Stock	X								X				~~H~~	~~X~~	Sold	8/22/83			
	Nuveen Tax-Exempt Bond Fund			X						X				E		X				
	Southern California Edison Co., Common	X							X					~~H~~	~~X~~	Sold	8/22/83			

Financial Disclosure Report

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number ▶	5	Schedule **B**
Reporting Individual's Name RUSSELL, MILTON ROSS		
Agency Use Only		
Date of Filing (Month, Day, Year)		

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	N.A.											

Financial Disclosure Report

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number ➤	6	Schedule C

Reporting Individual's Name
RUSSELL, MILTON ROSS

Agency Use Only

Date of Filing *(Month, Day, Year)*

I Lodging, Transportation, Food and Entertainment—*List each source totaling $250 or more in value*

	Source *(Name and Address)*	Brief Description	Value
	N.A.		

II—All Other Gifts—*List each source totaling $100 or more in value*

	Source *(Name and Address)*	Brief Description	Value
	N.A.		

	Source (Name and Address)	Brief Description	Value
	N.A.		

[illegible]ABILITIES

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name	Agency Use Only Date of Filing (Month, Day, Year)	Page Number	Schedule
RUSSELL, MILTON ROSS		7	D

	Standard Federal Savings, P.O. Box 39006, Washington, D. C. 20016	1/3 of a 14 7/8%, 30 year mortgage taken 3-30-81 on Apt. 3227-12 University Blvd., Kensington, MD. *	X
S	Standard Federal Savings, P.O. Box 39006, Washington, D. C. 20016	1/3 of a 14 7/8%, 30 year mortgage taken 3-30-81 on Apt. 3227-12 University Blvd., Kensington, MD. *	X
	First National Bank of Strasburg, VA., 100 West King St., Strasburg, VA. 22657	10-78, 8% promissory note secured by CD 1809 held by Strasburg Bank	X
	Bankers Life Co., Des Moines, Iowa 50307	4-24-79, 5% loan secured by policies 1 684 185 and 1 946 658	X

Apt. occupied by daughter who is 1/3 owner.

Name and Address of Organization	[illegible]	Position Held	From	To
Resources for the Future, 1755 Mass., Ave., N.W., Washington, D. C. 20036	non-profit research	Senior Fellow and Director of Energy Division	April, 1976	June, 1983
Union Carbide, Oakridge Nat'l Lab., Oak Ridge, TN, 20036	research lab	Advisory Committee Member	June, 1982	June, 1983
Committee for Economic Development, 1700 K St., Wash, D.C. 20006	Research	Consult on reports	Intermittant	1982
E.R. Russell and Sons, 529 Lousiana Dr., Corpus Christi, TX	Land owning; cattle partnership	Partner	1955	continuing
OSO Farms Partnership, Rt. 3, Box 368, Corpus Christi, TX 78415	Land owning	Partner	1965	continuing

COMPENSATION IN EXCESS OF $5,000 PAID BY [illegible] only in the case of nominees and new entrants.

Source [illegible]	Brief Description of Duties
Resources for the Future, 1755 Mass., Ave., N.W. Washington, D. C. 20036	Research and Director of Energy Division

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
None		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
POLICY AND RESOURCE MANAGEMENT

MEMORANDUM

TO: Gerald Yamada
Deputy General Counsel

FROM: Milton Russell Milton Russell
Special Assistant
to the Administrator

SUBJECT: Recusal

Because of my financial interests in the companies listed below, I am disqualified, for so long as I maintain such an interest, from participating in any EPA matter which involves that company as a party in any rulemaking or policy matter which distinctively affects the financial interests of the industries of which the companies are a part. This includes subsidiaries and affiliates of these firms.

If any such matter arises which would ordinarily be referred to me, it should be referred to Jack Campbell, Acting Associate Administrator of OPRM, for action.

List of Companies:

1. Insituform East, Inc. -- a company specializing in sewage pipe rehabilitation
2. Great Lakes International, Inc. -- a company which does harbor rehabilitation and dredging

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

OFFICE OF
POLICY AND RESOURCE MANAGEMENT

TO: OPRM Office Directors

FROM: Milton Russell Milton Russell

SUBJECT: OPRM and Resources For The Future

I have asked EPA attorneys to determine what role I may or may not play in any relationships that develop during my time at EPA between the Agency and my former employer, Resources For The Future ("RFF"). The answer I received is that there is no need for me to recuse myself from any EPA-RFF dealings that might take place so long as I have no financial interest in RFF. Prior to coming to EPA, I severed all financial involvements with RFF.

Despite the fact that I am thus out from under the recusal requirements of the conflict-of-interest regulations, in the interest of caution, I am voluntarily removing myself from any final decisions that might be made within OPRM to confer any financial benefit, such as a grant or contract, upon RFF. Nor will I sit as decision-maker to evaluate RFF work in connection with the renewal of an EPA-RFF contract. However, if an EPA-RFF contract is entered into, I will feel free to participate in my professional capacity at EPA to advise, suggest and work with the participants as is necessary to ensure that the Agency is getting the best work possible. Similarly, I see no impediment to my engaging in informal discussions with members of RFF on issues of concern to EPA.

STATEMENT OF

BRIGADIER GENERAL JEROME B. HILMES

COMMANDER AND DIVISION ENGINEER

NORTH CENTRAL DIVISION

U.S. ARMY CORPS OF ENGINEERS

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ON HIS NOMINATION

TO BE A MEMBER OF

THE MISSISSIPPI RIVER COMMISSION

NOVEMBER 14, 1983

Mr. Chairman, Members of the Committee:

I am Brigadier General Jerome B. Hilmes, Commander and Division Engineer, North Central Division, U.S. Army Corps of Engineers. I am honored to appear before you as nominee for Member, Mississippi River Commission. As you know, the Commisssion consists of seven Members. Three are Corps of Engineers officers -- one of which serves as President. One is from the National Ocean Survey, and three are from the civilian sector. Two of the civilians must be civil engineers.

The Commission exercises important responsibilities. From its inception in 1879, it has been charged with the vital task of planning and implementing a program to develop and control the lower Mississippi River. This task continues to be conducted in concert with the myriad of political institutions, individuals and public bodies who have a major interest in seeing that the water resources needs and opportunities of the Alluvial Valley are adequately and imaginatively met.

The Mississippi River and Tributaries project, approved in the Flood Control Act of May 5, 1928, and modified many times in detail since, is a unique undertaking. While the MR&T project covers portions of seven states, it provides an outlet for water from all or part of 31 states and part of two Canadian provinces, or roughly 41% of the contiguous United States. Its cost of nearly $4 billion to date has been repaid many times over. Effective planning, construction and operation of the widespread and complex project has been helped immensely by the Commission's active consultation with the public, particularly on its semi-annual inspection trips, and by the high level of professionalism that has been developed in its staff.

The MR&T project is truly of nationwide significance. A major Mississippi River flood would have catastrophic effects on the inhabitants of the Valley and the economy of the Nation were it not for the protection of the levees and other flood control works.

The navigation features of the project are essential to maintaining the river for access between inland ports and world markets. The heartland of America benefits from the flow of traffic. The navigation project is essential in peacetime and vital to our national defense in times of emergency. For example, tonnage on the river exceeds 400 million tons annually. It also connects the Nation's heartland with the Nation's largest port in terms of tonnage.

Mr. Chairman, as professional qualifications for Member, I bring 24 years as a Corps officer. I hold an M.S. and a PhD degree in Civil Engineering from Iowa State University. I am a registered professional engineer in the State of New York. As Commander and Division Engineer of the North Central Division, I share with the people of the Alluvial Valley an intense interest in the present and future of the Main Stem Mississippi River. This mutual interest is illustrated, for example, by the development of the replacement Lock and Dam 26 project and the formulation of the Upper Mississippi River Master Plan.

If confirmed to the post, Mr. Chairman, I would look forward to participating in the continual improvement of the MR&T project, applying the best of modern practices in water resources engineering. I would similarly look forward to being a part of a body conceived with the continued effort of safely passing flood waters to the Gulf of Mexico and providing a safe and dependable navigation project so important to the Nation's best interest.

I would be pleased to respond to any questions.

○